The Solicitors' Journal
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Current Topics.

The Newcastle Meeting.

THE TESTIMONY of regular attendants at the provincial meetings of the Law Society is unanimous that the recent meeting was an unusually satisfactory one. There were about 300 members present and the attendance to hear the papers on the second day was greatly above the average. The discussions were terse and informing, and the President made a most efficient chairman.

A New Trustee Stock.

IT WILL be seen from the notice we print elsewhere that Western Australia 3½ per cent. Inscribed Stock (1935–1955), has been placed among the trust investments authorized by the Trustee Act, 1893, subject to the restrictions contained in section 2 (2) of that Act.

A Blind Solicitor.

THERE DIED last week at Burnley, Lancashire, a solicitor who had triumphed over one of the greatest hindrances which could arise in the exercise of his profession. It is stated that Mr. E. F. P. EMMETT, who was admitted in 1882, had been totally blind for nearly thirty years, and if this is so, he must have passed his examinations while under this affliction. He became a very successful advocate in the police courts and county courts of Lancashire, besides transacting the ordinary conveyancing and office business of a solicitor; and all this, we believe, without the help of a partner. It is truly marvellous, but not unexampled. There is, we believe, one blind solicitor, a member of a partnership firm, in practice in London, and we know of another who retired from business some few years ago.

The Increased Stamp Duties on Conveyances.

LAST WEEK clause 52 of the Finance Bill, which doubles the stamp duty on conveyances on sale, came before the House of Commons in Committee. Mr. HILLS moved to substitute for the above-mentioned clause a provision that "one half of the amount" at present payable should be paid. He pointed out very forcibly that economists were agreed that one of the worst forms of raising revenue was by restrictions on the transfer of property, and that the doubled duty, while producing a comparatively small return, would be severely felt by small purchasers. We presume that the amendment was aimed at the reduction of the duty at present payable, instead of at the proposed doubling of that duty, for technical reasons; but it gave the Government an obvious reply—namely, that the present duty had existed since 1850 and had never been reduced, notwithstanding the fluctuations in the

price of land; and the amendment was withdrawn. Subsequently there was accepted in principle, on behalf of the Chancellor of the Exchequer, an amendment exempting from the operation of the clause cases where the purchase-money does not exceed £500. The clause was passed by a majority of 107.

Stamp Duty on Gifts *inter vivos*.

ON THE same evening, clause 53, relating to the stamp duty on gifts *inter vivos*, came under consideration. Mr. HILLS moved to alter the words in sub-clause (1) "operating as a voluntary disposition" to "purporting to operate as an immediate gift," but the amendment was rejected. The questions of a disentailing deed and of a conveyance of real estate held on trust for sale where the beneficiaries had elected to take it as real estate, were raised, and in reply to an appeal by Sir E. CARSON, the Solicitor-General said, "He was authorized to say that if a disentailing assurance was merely for the purpose of barring the entail, in such case an exception might and ought to be made, and he was quite willing to insert the words, "other than a disentailing assurance merely by way of barring the entail," but if a disentailing assurance was also a transfer of property, then it would come within the words of the clause. As regards the case where there was a distribution of property by a trustee under a trust for sale, assuming that everybody entitled to the property which was subject to the trust for sale was *sui juris* and they agreed to distribute the property instead of having a sale, that property would have been subject to death duties at that very time, and he thought that deeds necessary for carrying out the distribution among the beneficiaries would not be subject to the like stamp duty as if they were a conveyance or transfer on sale." We presume the meaning of the first answer is that a disentailing assurance to the use of the tenant in tail is to be free from duty, but that a disentailing assurance which operates as a settlement, or resettlement, is to be subject to duty. Mr. RADFORD moved an amendment to exempt resettlements of real estate, but it was defeated by a majority of 151.

The Progress of the Land Tax Clauses.

THE FINANCE BILL has now reached a stage when the new clauses which have been promised at various times during the discussion in Committee are being added. Chief among these is the clause imposing the mineral rights duty which is to take the place of the original clause 12. A duty is to be imposed of one shilling for every twenty shillings of the rental value of all rights to work minerals, and of all mineral wayleaves. Where the right to work minerals is the subject of a mining lease, the rental value will be the amount of rent paid by the working lessee in respect of the last working year. Where the proprietor is working the minerals the rental value will be the hypothetical rent as determined by the Inland Revenue Commissioners. The new clause does not expressly provide for an appeal against this determination, but apparently it will be subject to appeal under clause 22. A clause has been inserted excluding common brick clay, sand, chalk, limestone, and gravel, and also a clause providing for the deduction of mineral rights duty in case of successive leases. This will entitle any intermediate lessor who has paid the duty to deduct from the rent payable by him the duty on the amount of such rent. Any contract for the payment of rent without allowing deduction of the duty is, as in the case of income tax, to be void. No reversion duty is to be payable on the determination, and no increment value on the grant of a mining lease; but an annual increment duty is to be payable on increases in the annual yield of royalties over the annual equivalent of the original site value. A new clause expressly exempts agricultural land from increment value duty while the land has no higher value than its value for agricultural purposes, but the wording of the clause is open to criticism, and apparently is not final. Clause 25 (exemption of land held for public or charitable purposes), which was postponed, has been discussed, and, with some amendments, added to the Bill. It exempts from the land taxes land held by any person or body of persons carrying on any undertaking or institution without any view to the payment of profit out of the revenue thereof for purpos which in the opinion of the commissioners are public purposes or charitable purposes, while occupied and used for such purposes. This has been amended so as to confine the exemption to reversion duty and undeveloped land duty, and to bring within the exemption land held by registered friendly societies.

The Torrens System in South Australia.

THE AUSTRALIAN system of land registration and transfer originated, as most people know, in South Australia in 1858. Singularly enough, although the existing "Torrens Acts" of the various States in Australia are all modelled more or less on the original South Australian Act of 1858, it is in the State of South Australia that the principal and loudest complaints have been made as to the practical working of the Torrens system. Apparently it is only in South Australia that Royal Commissions have been appointed to inquire into the subject. A commission sat in 1861, and again in 1872, the result of each being considerable amendment of the Acts then in force. A third Royal Commission has recently concluded its labours, and has presented its report, dated 29th of July last. The report forms a substantial Blue Book of over 200 pages, and throws some light on the practical requirements of a successful system of transfer of land by registration of title. It seems strange that in South Australia a practice should have grown up of issuing certificates of title, or, as we should say in London, registering land, without verifying or checking the descriptions of the parcels contained in existing title deeds, and without referring for purposes of identification to any fixed points, such as buildings, alignments of streets, &c. This looseness of practice had given rise to considerable difficulty in identifying the parcels, in many cases, of registered land, and the recent report deals principally with matters of survey and identification of parcels. Surveyors appear to have been responsible for some confusion in past times by using chains that were too long. The following passage from the minutes of the evidence of a Western Australian witness should be of some interest to English legal practitioners and surveyors: "The witness produced a copy of a title for St. Paul's Cathedral, London, which he obtained in London in 1903, and remarked—They do not shew measurements in the London Registry Office. Everything goes by improvements. When they cut up a field for building on they shew the dimensions; but in all subsequent transactions they ask that the improvements be shewn. They have about forty surveyors connected with the Land Registry Office in London. I was surprised to find that they still use the old link chains and not the band chains."

The Circuit System.

A WELL-REASONED statement of the changes in the existing circuit system which may reasonably be asked for is contained in the paper read by Mr. FRANK MARSHALL at the Newcastle meeting. As he observes, "the question of the best method of providing for the disposal of provincial litigation has been the subject of repeated discussion for many years past, and of a certain amount of experiment during recent years, but no one can pretend that the existing state of affairs is satisfactory." The report of Lord GORELL'S committee has expressed in no uncertain terms the necessity for a remodelling of the arrangements for the provincial business of the High Court, and Mr. MARSHALL emphasizes the same necessity in his paper. The statistics shew a remarkable decrease in the amount of business on circuit. This has been continuous since 1882, and the business in recent years has been only half of what it was at the beginning of the period. Mr. MARSHALL ascribes this largely to the implicit assumption that there is some essential difference between the cases tried in the Strand and those tried in the provinces, and that every effort must be strained to secure adequate, deliberate and continuous trials of the former, even if the result be that the latter are treated with comparative neglect. Lord GORELL'S committee recognized the same tendency, and proposed to counteract any growing desire for unlimited jurisdiction in the county courts by giving to provincial litigants advantages in the High Court on circuit equal with those enjoyed in the High Court in London. Mr. MARSHALL'S own suggestions are (1) a repetition of the demand for more High Court judges, which is at present under the consideration of a Parliamentary Committee; (2) a proposal that the work of the Commercial Court should be associated with the Admiralty work, the latter

being separated from the Probate and Divorce work; (3) a reversion to the old system under which all the circuits went out together; and (4) a re-grouping of assize towns so as to concentrate the business in a few important centres. The amalgamated Commercial and Admiralty courts would, he suggests, sit continuously, and this, he thinks, would meet all the demand for continuous *nisi prius* sittings in London. As to reduction in the number of assize towns, he points out that this is a matter which has been frequently advocated, but never in earnest carried out. "Whatever," he says, "may be done with regard to the criminal work, the civil work should be concentrated at a few centres selected for convenience of access, having regard to present-day means of communication"; and he suggests a scheme for the Northern and North-Eastern circuits which would leave four centres for civil work—namely, Manchester, Liverpool, Leeds and Newcastle—instead of the nine where assizes at present are held. A similar process of selection applied to the rest of the country would, Mr. MARSHALL considers, result in the reduction of the towns for civil assizes from fifty-eight to something under twenty. At these towns the arrangements should allow for the complete disposal of the business. "The reservation of points of law for argument and the giving of judgment in London should be things of the past, and all cases should be finally disposed of, at latest, before the end of the local sittings." The prohibition of deferred arguments and reserved judgments is perhaps needlessly strict, for difficulties of law will remain whatever practical arrangements are made for the disposal of causes, but in general Mr. MARSHALL'S suggestions—for which he does not claim originality—are well worthy of consideration. His last suggestion—the trial of matrimonial cases on circuit—is one that is likely to become of practical interest, for these cases cannot much longer be confined to London. It seems to be simply a question whether the assize courts or the county courts shall have jurisdiction in divorce.

The Imprisonment of a Ward of Court.

THE CASE of *Re H.'s Settlement* (1909, 2 Ch. 260), upon which we commented recently (*ante*, p. 787), and the exercise therein of the jurisdiction to imprison a ward of court for contempt, has been the subject of some spirited criticism in the correspondence columns of the *Times*. It is pointed out that the settlement of £100 upon the boy whose conduct was in question enabled the judge to assume a power of imprisonment, although he admitted he could find no precedent for its exercise, and that this jurisdiction was exercised *in camera*. The first correspondent regards the procedure as collusive, and as a dangerous interference with the liberty of the subject. A second correspondent replies by pointing out the misery that may result from early and improper marriages, and upholds the jurisdiction of the Chancery Division over its wards as a means of correcting the excessive laxness of the marriage laws. "Templar" and "Stone Buildings" are the appropriate authors of the attack and defence respectively, and "Templar" closes the matter with a reply. We regret that he has not noticed what seemed to us the gravest defect in the proceedings—namely, that the learned judge held that a contempt could be committed although the accused party was ignorant of the circumstances which constituted his—or, in the actual case, her—conduct a contempt. This, we thought, and still think, was an extravagant claim for the jurisdiction. It will probably also be generally thought that, although a judge may assume paternal authority where he has the administration of substantial property on behalf of the infant, yet the administration of the trusts of a settlement of £100 is not suitable to attract this jurisdiction, and it enables a judge to assume by a technicality a power of interfering in domestic affairs which the law does not directly confer upon him. The marriage laws may be lax, but that is a matter to be corrected elsewhere. As regards the exercise of the power of imprisoning an infant ward, and especially the exercise of the power *in camera*, we are glad that the publication of the report has attracted attention to the matter.

Maritime Lien for Necessaries.

THE PAPER on Maritime Liens read at the Newcastle meeting by Mr. SANFORD D. COLE calls attention to certain peculiarities in the English shipping law, but we doubt whether his objection to altering this law in favour of the system of most other countries is well founded. Two points in the law stand out prominently. One is that a maritime lien, when once established, takes precedence of ordinary mortgages on the ship, and is enforceable against the ship into whosesoever hands she may come: *The Bold Buccleugh* (7 Moo. P. C., p. 285). And the other is, that the person who supplies necessaries or does work to a ship has no maritime lien for the price of the necessaries or the work, nor is such lien created by the jurisdiction as to necessaries conferred by the Admiralty Courts Acts, 1840 and 1861: *The Henrich Björn* (11 App. Cas. 270). In practice, however, a lien for necessaries is created indirectly through the intervention of the master. The master has a statutory lien for his disbursements, and it is only necessary to make him sign drafts for the price of coal and other necessaries supplied, and then the holders of the bills make use of the lien which the liability vests in the master. We gather from Mr. COLE'S paper that the proposal at the Brussels Maritime Conference now sitting is to introduce a uniform code as to mortgages and liens which would have the effect of abolishing the master's lien, and hence of abolishing the indirect lien of the coal merchant, and if this were the only effect, it would create considerable disturbance in the present position of maritime business. But inasmuch as there is a further proposal to introduce a direct lien for necessaries and work done for the ship, the net result seems to be to preserve in substance the existing liability, but to give it a simpler and more direct operation. Mr. COLE'S paper does not make it clear how the serious injury which he apprehends from the change is likely to arise.

Judges and the Public Schools.

REFERRING to our remarks on this subject last week, a correspondent reminds us that Westminster has three old boys on the bench. In addition to PHILLIMORE and BUCKNILL, JJ., who were ascribed to the school in our observations, it can boast of Lord Justice VAUGHAN WILLIAMS; hence it stands exactly equal in this respect with Rugby, which has also a Lord Justice and two judges of the High Court.

The President's Address.

MR. WINTERBOTHAM, with considerable boldness, placed legal education in the forefront of his address at the Newcastle meeting of the Law Society. We speak thus because legal education cannot be described as one of the subjects which are before the public and the profession at the present time. Doubtless the matter will come into prominence again, but any immediate probability of further definite action, so far as regards a central school of law, has gone with the failure of Sir ROBERT FINLAY'S scheme. Meanwhile the practical ends to be gained are being sought, not, we believe, without success, by the Law Society and the Inns of Court, each making use of and developing the means already to hand. The carrying on of legal education is no longer spasmodic and ill-arranged, and though the education for bar students and solicitors is still separate, yet both the Council of Legal Education and the Law Society have in their respective spheres placed legal teaching under the general control of capable principals and have engaged the services of competent staffs. Mr. WINTERBOTHAM is naturally not contented. He looks to the still more efficient school of law which seemed to be brought within measurable distance when Lord RUSSELL gave his address on legal education in Lincoln's Inn Hall in October, 1895. "I feel certain," says Mr. WINTERBOTHAM, "that before long such a school of law will be established—a school which will be the centre of legal education for the whole Empire . . . Such a school of law should provide for the training, not only of members of the bar and of our own branch of the profession, but for all who are called upon to administer justice in any part of our Empire as civil servants or as magistrates or in any other capacity." Mr. WINTERBOTHAM does well to keep this ideal before the profession, but we anticipate that for a few years to come the existing means of education will have to suffice. The opportunity afforded by Lord RUSSELL'S address and Sir ROBERT FINLAY'S scheme has passed away, and some new wave of interest in the question will

be necessary before a more successful effort in that direction can be made.

The immediate interest of Mr. WINTERBOTHAM'S suggestions lies rather in his proposal to raise the standard of education for students preliminary to the commencement of their professional training. He refers to the elementary nature of the outside examinations which are allowed to exempt from the preliminary examination of the Law Society, and comments on the slight guarantee which they afford of a suitable standard of attainment. "It is absurd," he says, "that we should be compelled to allow youths to be articled with no better guarantee of general education than is afforded by such examinations"—that is, the Oxford and Cambridge Junior Local Examinations and those of the College of Preceptors—"and I cannot but believe that the educational authorities throughout the country, and certainly our universities, are prepared to recognize this." Mr. WINTERBOTHAM'S suggestion is that existing exemptions from the preliminary examination of the Law Society should be abolished, and that no exemption should be allowed, except in case of an arts degree, until a satisfactory school-leaving examination has been established. But this, we imagine, is hardly to be expected. There are several examinations—including matriculation at London—which are of a higher standard than those referred to, and we are not aware that there is any probability of a new examination such as Mr. WINTERBOTHAM desires being introduced. The Law Society ought to be able without much difficulty to raise the character of the exempting examinations, so as to ensure that they shall stamp the successful candidate as above the average in educational attainments for a boy of eighteen, and this, Mr. WINTERBOTHAM thinks, should be the earliest age for commencing professional training. The practice of obtaining a university degree before articles will probably increase, but he admits that this cannot be required as an essential. The tendency of his remarks in this connection is all to the good, and the requirement of a high educational standard from candidates at the beginning of their training could not fail to advance the interests of the profession generally.

But just now men's minds are filled with other matters—with the subjects of land transfer, of the assize and the county courts, and the taxation of land. The last subject, though immediately the most interesting of all, Mr. WINTERBOTHAM naturally did not touch upon. At present it is in the sphere of politics. Later on the country may have settled down to the practical working of the taxes, and this is likely to furnish plentiful matter for discussion in the future. And the constitutional relation of the two Houses of Parliament, though in normal times a matter of dry legal interest, has suddenly assumed a practical political importance which makes it unsuitable for legal commentary. Otherwise a reasoned discussion of this question might have been useful. The situation is singular in that the questions most prominently before the public, though of special interest to lawyers, are also acutely political. But the other subjects to which we have referred were pertinently dealt with by Mr. WINTERBOTHAM. On land transfer he spoke with no uncertain voice. The conveyancing differences between land on the one hand, and stocks and shares on the other, are incident to the nature of the subject-matter and to the rights which the law allows to be created. Land is the subject of varying tenures and of varying interests, and these create difficulties of conveyancing whether the conveyancing is done on or off the register. It is enough to compare the Land Registry Office, with its voluminous and intricate rules and forms, with any register of stocks or shares or with the Merchant Shipping Register. Simplification can be effected, as Mr. WINTERBOTHAM points out by altering the law, but there is no need to burden the country with compulsory registration. Parliament, however, is too much occupied to deal with questions of land reform. Even non-contentious measures, such as the Law Society's Conveyancing and Settled Land Bills, which merely aim at removing practical difficulties of every-day occurrence, can make no progress, and any real measure for simplifying title to land will have to wait for some such flood of reforming energy as produced the Real Property Commissioners' Reports at the beginning of the last century and the legislation which followed them. But for the present the subject of registration waits the result of the proceedings of the existing Land Transfer Commission.

As regards the county courts, Mr. WINTERBOTHAM expressed surprise that the House of Lords should have taken objection to clause 1 of the County Courts Bill, and thereby effected the withdrawal of the measure. It proposed merely a change of procedure which would not have forced county court jurisdiction on any litigant not subject to it at the present time, but would simply, in cases where the plaintiff wished to go to the county court in matters over £100, have required the defendant to decide whether he desired a trial in the High Court. At present the county court has unlimited jurisdiction by consent, and, as Mr. WINTERBOTHAM observes, it makes little difference whether the defendant refuses consent or applies for a transfer. "If I were representing a defendant who did not wish his case tried in the county court, it would make no difference to me whether I stopped the plaintiff from proceeding in the county court by refusing my consent before proceedings commenced or by removing the case after the plaint was issued." The House of Lords seems, indeed, to have rejected the Bill under a mistake as to its effect, and also in misapprehension of the finding of Lord GORELL'S Committee. But behind the question of any extension of county court jurisdiction lies that of the right of audience, and Mr. WINTERBOTHAM is by no means inclined to allow any infringement of the solicitor's existing right of audience in all county court matters. He says, indeed, that the question is one to be decided neither by the bar nor by the solicitors, nor by a compromise of the question between the two branches of the profession, but by the public, and this is true enough in theory; but in practice any saving of an exclusive right of audience to the bar depends on the ability of that branch of the profession to insist on a special clause in the next County Court Bill. Without such a clause an extension of jurisdiction would be on the footing of the existing law as to right of audience.

The Doctrine of Conversion.

THE principles of the equitable doctrine of conversion have been well settled ever since the leading cases of *Fletcher* v. *Ashburner* (1 Bro. C. C. 497) and *Ackroyd* v. *Smithson* (1 Bro. C. C. 503); but as the recent decision of NEVILLE, J., in *Re Perkins* (*ante*, p. 698), and the decision of the Court of Appeal a year ago in *Burgess* v. *Booth* (1908, 2 Ch. 648) shew, questions as to the practical operation of the doctrine may still arise. The doctrine of conversion is a familiar example of the rule that equity considers what ought to be done as done, and accordingly "money directed to be employed in the purchase of land, and land directed to be sold and turned into money, are to be considered that species of property into which they are directed to be converted; the owner of the fund or the contracting parties may make land money or money land." But this *dictum* of SEWELL, M.R., in *Fletcher* v. *Ashburner* requires to be qualified by the rule established in *Ackroyd* v. *Smithson*, that the conversion, whether actual or nominal, exists only for the purpose of the instrument under which it is effected, and that on failure of such purpose the property goes to the persons who would be entitled if no conversion had taken place. "Since the case of *Ackroyd* v. *Smithson*, so celebrated for the elaborate argument of Lord ELDON, then Mr. SCOTT, it has never been doubted that, where a testator directs real estate to be sold, and the produce of the sale to be applied for a purpose which either wholly or partially fails, the undisposed-of beneficial interest will result to his heir-at-law, and will not go to his next-of-kin, although the land may have been actually converted into money": White and Tudor's Leading Cases (7th ed.), I., p. 372.

But the doctrine is not carried to the length of establishing generally that a conversion of real estate into personalty only takes effect to the extent of the object required, and that beyond this the rights of the parties remain the same as if no conversion had taken place. "All that *Ackroyd* v. *Smithson* decided," said JESSEL, M.R., in *Steed* v. *Preece* (L. R. 18 Eq., p. 197), was that a conversion directed by a testator is a conversion only for the purposes of the will, and that all that is not wanted for these pur-

poses must go to the person who would have been entitled but for the will. . . . It seems to me that if a conversion is rightfully made, whether by the court or a trustee, all the consequences of a conversion must follow; and that there is no equity in favour of the heir or anyone else to take the property in any other form than that in which it is found." Consequently, as was held in that case, where a sale of an infant's estate is made by order of the court, this effects a final conversion of the estate into money, and upon his death under twenty-one it devolves as personalty. In *Hyatt* v. *Mekin* (25 Ch. D. 735) it was further held that the order operates as a conversion from its date and before any sale has taken place; and the decision in *Burgess* v. *Booth* (*supra*) was in accordance with *Steeds* v. *Preece* and *Hyatt* v. *Mekin*, and in opposition to the Irish case of *Scott* v. *Scott* (9 L. R. Ir. 367), where CHATTERTON, V.C., held that, upon a sale of real estate by the court to pay off incumbrances, there was an equity in favour of the heir of the owner at the date of sale to have the surplus not required for such purpose treated as reconverted.

But these decisions do not impugn the principle that where a will directs or empowers land to be converted, and the purposes for which the conversion is directed wholly or partially fail, there is a resulting trust for the heir. In the present case of *Re Perkins* (*supra*) a testator devised real estate upon trust, as to one moiety to accumulate the rents until his son attained the age of twenty-five years, subject to a provision for maintenance, and then for the son for life, with remainder in favour of his issue, and a power of sale was given to the trustees. The whole of the real estate was sold by the trustees and invested in personalty. The testator died in May, 1888, so that the period of twenty-one years during which, under the Accumulations Act, 1800 (39 & 40 Geo. 3, c. 98), the trust for accumulation was effective, expired in May, 1909. At that time the son was still under twenty-one, and it was argued that the surplus income from the proceeds of real estate should go, according to their actual nature, to the next-of-kin of the testator as undisposed of. But there is a distinct authority to the contrary in *Eyre* v. *Marsden* (2 Keen, 564), where the circumstances were very similar. "The income of the money arising from the sale of the real estates cannot," said Lord LANGDALE, M.R., "be allowed to accumulate, and be applied as the testator meant. The purposes of the will, as far as they can be lawfully carried into effect, do not exhaust the whole beneficial interest arising out of the real estate, and I think that the heir is entitled to the unexhausted interest." This seems to be in accordance with the principles established by the earlier cases, and there is nothing in the more recent decisions to shake it. Accordingly, NEVILLE, J., followed *Eyre* v. *Marsden* in the present case, and held that the surplus income during the remaining part of the period directed for accumulation belonged to the heir-at-law of the testator.

The Late Mr. E. K. Blyth.

WE greatly regret to record the death of Mr. EDMUND KELL BLYTH, solicitor, which occurred at his country house near Kings Langley, Herts, on Tuesday last. He had been confined to bed for several weeks, but the end came somewhat suddenly. By his death the profession has lost a man of singular ability, public spirit, and breadth of view, and his many friends will long miss his genial and kindly presence.

Mr. BLYTH'S forbears were, we believe, merchants in Birmingham, and he was educated in that city. He was articled to Mr. W. H. REECE, solicitor, of Birmingham, and spent the last year of his articles in London with the late Mr. EDWIN WILKINS FIELD, of the then firm of Sharpe, Field, & Co. Mr. BLYTH was admitted in 1852 and entered into partnership with Mr. REECE, undertaking the agency business of the firm at their London office. Subsequently he joined Mr. W. H. WILKINS, Mr. E. W. FIELD'S cousin, under the firm of Reece, Wilkins, & Blyth; and after several changes, the firm became Blyth, Dutton, Hartley, & Blyth, in which Mr. E. K. BLYTH was senior partner.

Mr. BLYTH took an active interest in all matters affecting solicitors, and was an assiduous attendant at the provincial meetings of the Incorporated Law Society, reading papers relating to the reform of legal procedure, the shortening of the Long Vacation, and the Land Transfer Bills. He was elected a member of the Council of the society in 1894, and for many years lent valuable assistance to its deliberations. In 1907 he became President.

But Mr. BLYTH'S interests and activities were by no means confined to professional matters. Many years ago he took up the question of the freeing of the London bridges from toll, and in 1876 prepared a Bill with that object, which was brought into Parliament, but failed to pass. It resulted, however, in a measure being introduced by the Board of Works in the next session, which was passed, and the ten bridges over the Thames then subject to tolls were freed from them. At Hampstead, where Mr. BLYTH resided, almost every unsectarian benevolent movement received his warm support. He was universally esteemed as a man given to good works.

Nearly up to the time of his Presidency of the Law Society, Mr. BLYTH looked the model of physical vigour. There was no provincial meeting of the society in the year of his office, which was, no doubt, a disappointment to him, and also to members of the society who would have liked to hear his views on current legal topics. In November of that year Mr. BLYTH underwent a severe operation, but he recovered very satisfactorily and went to Bournemouth to recruit. While there he broke his thigh bone, as the consequence of a fall, and was laid up for long, but he was able to preside at the annual meeting of the society. His days of activity were, however, numbered. He became the shadow of his former self, and was recently attacked by a complication of diseases. He died at the age of seventy-eight.

Reviews.

The Small Holdings and Allotments Act, 1908.

THE SMALL HOLDINGS AND ALLOTMENTS ACT, 1908; WITH EXPLANATORY NOTES; ALSO CIRCULAR LETTERS AND RULES AND REGULATIONS OF THE BOARD OF AGRICULTURE AND FISHERIES, AND TREASURY MINUTES, AND FORMS FOR USE UNDER THE ACT. By AUBREY JOHN SPENCER, M.A., Barrister-at-Law. Stevens & Sons (Limited).

Prior to the Act of 1908 the statute law of small holdings and allotments had fallen into a state of no little confusion. The Consolidation Act of last year has removed this inconvenience, and the text of the Act, with useful practical notes, is given in the present work. The scope of the Act with regard to small holdings and to allotments, and its general provisions, are explained in the introduction, and the Appendices contain the rules for registration of title to small holdings, the official rules and circulars which have been issued, and forms for use under the Act. These include forms of a hiring scheme, and of a purchase and hiring scheme, by a county council, a form of scheme dealing with land purchased compulsorily, and model rules and regulations as to small holdings and allotments. The whole book contains very full guidance and information as to the statute and its practical working.

Books of the Week.

A Treatise on the Law Relating to the Carriage of Goods by Sea. By the late THOMAS GILBERT CARVER, M.A., K.C. Fifth Edition. By ROBERT ALDERSON WRIGHT, M.A., Barrister-at-Law. Stevens & Sons (Limited).

International Law. By T. BATY, D.C.L., LL.D., Barrister-at-Law. John Murray.

The English Reports. Vol. XCVIII.: King's Bench Division XXVII., containing Burrow, vols. 4 and 5; Lofft; Cowper, vols. 1 and 2. William Green & Sons, Edinburgh; Stevens & Sons (Limited).

International Incidents for Discussion in Conversation Classes. By L. OPPENHEIM, M.A., LL.D., Whewell Professor of International Law in the University of Cambridge, Associate of the Institute of International Law. Cambridge: At the University Press.

New Orders, &c.

Colonial Stock Act, 1900

(63 & 64 Vict. c. 62).

In pursuance of section 2 of the Colonial Stock Act, 1900, the Lords Commissioners of His Majesty's Treasury hereby give notice that the provisions of the Act have been complied with in respect of the undermentioned Stock, registered or inscribed in the United Kingdom:—

Western Australia 3½ per cent. Inscribed Stock (1935–1955).

The restrictions mentioned in section 2, sub-section 2, of the Trustee Act, 1893, apply to the above Stock (see Colonial Stock Act, 1900, section 2).

CASES OF LAST SITTINGS.

Court of Criminal Appeal.

REX v. **ELIZABETH PERRY.** 24th June.

CRIMINAL LAW—EVIDENCE—DYING DECLARATION—SETTLED AND HOPELESS EXPECTATION OF DEATH.

To render a declaration admissible as a "dying declaration," it must be shewn that the declarant at the time he made the declaration was under a settled and hopeless expectation of death, and that death was imminent though not necessarily immediate.

Appeal from a conviction for murder on a trial before Lawrance, J., at Warwick Assizes. It appeared that Agnes Summersby, for the murder of whom the appellant was convicted, and who was a single woman, aged twenty-four, living with her parents, was on the 9th of April, 1909, about four months gone with child. On that day she left her home, returning late in the day. On the 10th of April she fell sick, and asked her mother to fetch the appellant to attend her. Her mother went to fetch the appellant, who did not return with her on that date. On the 11th of April the girl was better, but on the 13th of April she became worse, and the appellant was fetched, saw the girl, and told her mother "it would not be long." On the morning of the 14th of April the appellant again visited the girl, and in the afternoon of that day the girl suffered a miscarriage. On the night of the 15th of April the girl became very ill, and the appellant, who was in attendance upon her, asked that a doctor should be sent for. Accordingly at 1 a.m. on the 16th of April Dr. Smith attended and examined the girl. After the examination the appellant asked Dr. Smith in the presence of the girl the question, "Is there any danger?" Dr. Smith replied, "Yes, very great danger. She may die at any moment." The girl made no statement or sign to shew that she heard what was said. Dr. Smith said he thought the girl was conscious at the time. In chief and in re-examination he said he spoke loud enough for the girl to hear, but in cross-examination he said that he subdued his voice when he said, "She may die at any moment," as he did not wish to add to the mental anguish of the patient. Dr. Smith, who was an old man, expressed a wish that another doctor should be called in. Between 9 and 10 a.m. the appellant went to fetch another doctor. Whilst she was away Gertrude Summersby went into her sister's bedroom and lay down on the bed beside her. Gertrude said, "Oh, Maggie, what did you have that woman for? I don't like her." Agnes replied, "Oh, Gert, I shall go. But keep this a secret. Let the worst come to the worst." She then stated that the appellant had committed an illegal operation upon her on Good Friday, the 9th of April. At 11 a.m. Dr. Haynes, who had been summoned by the appellant, arrived. He asked the girl in the presence of the appellant what was the cause of the miscarriage. The appellant answered the question, saying that the girl had been frightened by a kicking horse. The girl then said that was so, and gave details. At 5.30 p.m. she died. It appeared from the medical evidence that her death was due to a punctured wound in the uterus, followed by suppurative peritonitis, and that it was impossible that she could have inflicted the injury upon herself. The evidence of Gertrude Summersby as to what her sister had said to her when the appellant went to fetch Dr. Haynes was tendered as a "dying declaration." Counsel for the defence objected that the declaration was inadmissible as there was no reason to believe that when the declarant had spoken she was on "the point of death," or that she had a "settled and hopeless expectation of immediate death." Lawrance, J., admitted the evidence as a dying declaration, but he stated that had there been no Court of Criminal Appeal he would not have done so. He thought the point was one for the consideration of that court, that they might lay down the principle applicable to such cases. The appellant was convicted, but appealed on the ground that this declaration ought not to have been admitted in evidence.

LORD ALVERSTONE, C.J., delivered the judgment of the court, in which he said: This appeal raises an important question. The evidence given for the Crown would probably not have led to a conviction but for a statement made by the girl who has died, which was admitted on the ground that it was a dying declaration. Mr. Justice Lawrance, who tried the case, admitted this statement, but advised an appeal to the Court of Criminal Appeal that a definite ruling might be given by this court for guidance in the future as to cases of this kind. I will postpone the examination of the statement in question in order to see whether or not there is any general principle which has been recognized for many years and which can be expressed in clear and definite language governing the admission of statements of deceased persons as dying declarations. In my judgment there is such a principle, and it cannot be better expressed than it was by Eyre, C.J., in *Rex* v. *Woodcock* (1789, Leach C. C. 502) when he said: "The general principle on which this species of evidence is admitted is that they are declarations made in extremity, when the party is at the point of death, and when every hope of this world is gone; when every motive of falsehood is silenced, and the mind is induced by the most powerful considerations to speak the truth—a situation so solemn, and so awful, is considered by the law as creating an obligation equal to that which is imposed by a positive oath administered in a court of justice." In consequence of the argument that has been addressed to us in the present case I think it desirable to say that the words "at the point of death" (which has given rise in one case to some misapprehension) and the words used in *Reg.* v. *Osman* (1881, 15 Cox C. C. 1), "immediate death," do not constitute the real test as to the admissibility of a statement as a dying declaration. Of course, death, so far as there can be any certainty, must be imminent, but the material test is that the statement must be made when every hope of life has gone from the mind of the person making the statement. That is the real principle to be applied, and it has been recognized as such in some of the more recent cases to which I wish to refer. In *Reg.* v. *Peel* (1860, 2 F. & F. 21) Willes, J., used the following expression: "It must be proved that the man was dying, and there must be a settled, hopeless expectation of death in the declarant." That puts in very clear language the test which I have spoken of. In *Reg.* v. *Gloster* (1888, 16 Cox C. C. 471) Charles, J., after reviewing the cases and citing *Rex.* v. *Woodcock* (*supra*), *Reg.* v. *Peel* (*supra*), and *Reg.* v. *Osman* (*supra*), where Lush, L.J., used the words, "the person making the declaration must entertain a settled, hopeless expectation of immediate death," expressed the view that the word "immediate" might be misunderstood, and laid down the principle in this way:—"The whole of the facts must be looked at from first to last; and I may say, before I refer to the evidence in detail, that it goes no farther than this: that the woman thought that she was dying, thought that she would not recover; but in my judgment—and it is a most difficult thing to form a judgment of what was passing through the mind of this unfortunate woman—she did not entirely give up hope. And unless I can come to the conclusion that every hope was extinguished and gone, I cannot admit the statement." I also think it is desirable to read a passage in the earlier part of the judgment of Charles, J., in which he referred to the reasons why he differed from the judgment of Lush, L.J., to which I have referred. After reading the passage in that judgment, Charles, J., said: "That is the judgment of Willes, J., with this addition that Lush, J., inserts the word 'immediate' before the word 'death,'" and he goes on to say, "If he thinks he will die to-morrow it will not do." With the greatest deference to the latter very learned judge, I would prefer to adopt the language of Willes, J., and say that the declarant must be under a "settled, hopeless expectation of death." "Immediate death" must be construed in the sense of death impending, not on the instant, but within a very, very short distance indeed. These are the principles that have been laid down and are to guide me in the exercise of my judgment. That is what I endeavoured to express when I said that all hope of life must have been abandoned, so that the person making the statement is in the expectation of imminent death before the statement is admissible as a dying declaration. Without going into the other cases, I have endeavoured to lay down what I conceive to be the true principle upon which the statements of dying persons are admissible as dying declarations. This is the principle which we have to apply in the present case. The sister of this poor girl laid down on the deathbed and said to her, "Oh, Maggie, what did you have that woman for? I don't like her." And then the statement was made by the girl. She said: "Oh, Gert, I shall go. But keep this a secret. Let the worst come to the worst. That woman opened my womb with something like a crochet hook on Good Friday." It is, of course, for the judge at the trial to decide on the admission as evidence of a declaration made by a person who has since died. It is said that the language of Lawrance, J., when the discussion took place at the trial as to the admissibility of this declaration, shewed that in his view the statement was not made by the deceased woman in the certainty that all hope of this world was gone, because he said that it was a case which might well be considered by the Court of Criminal Appeal, and that were it not for that he would have refused to admit the statement. We have thought it right to communicate with Lawrance, J., and he has told us that he thought it a case in which it was desirable that this court should have an opportunity of laying down the principle applicable; but that, with regard to the question of whether this girl had any hope of life when she made the statement, he had no doubt that the girl knew and thought that she was dying, and at the time she made the statement had abandoned all hope of life. Speaking for the court, we think that the right view is that the judge must be satisfied that a declarant makes his declaration when there is a settled, hopeless expectation of his death. I use the expression "hopeless expectation of death," because that was the form of language used by Willes, J., but by those words I mean "a hopeless expectation of life." Looking at the words used by this girl, "I shall go. But keep it a secret. Let the worst come to the worst," the expression "I shall *go*," by itself, might mean "I shall die" some day and shall not get over it; but, looking at the whole of the language used, we are satisfied that the statement was made at a time when all hope of life was gone. We think, therefore, that this statement was admissible as a dying declaration, and the appeal, therefore, will be dismissed.—COUNSEL, *Maddocks*, for the appellant; *Ryland Adkins* and *B. S. Foster*, for the Crown. SOLICITORS, *The Registrar of the Court of Criminal Appeal; The Director of Public Prosecutions.*

[Reported by C. G. MORAN, Barrister-at-Law.]

At a dinner given by Mr. Robert Dyas, chairman of the Law and City Courts Committee of the Corporation of London, on the 24th ult., the Lord Mayor mentioned that the work of the City Courts was increasing. He regarded this fact as proving conclusively that the public were satisfied with the way in which cases were dealt with in those courts. The Mayor's Court had been the training ground of many of the highest luminaries in the legal world.

Societies.

The Law Society.

PROVINCIAL MEETING.

The thirty-fourth annual Provincial Meeting of the Law Society took place on Tuesday, Wednesday, and Thursday, at Newcastle-on-Tyne. Among those present were:—Mr. H. J. Johnson (Vice-President), Mr. J. J. D. Botterell, Mr. A. H. Coley (Birmingham), Mr. W. Dowson, Mr. T. Eggar (Brighton), Mr. Robt. Ellett (Cirencester), Mr. S. Garrett, Mr. W. J. Humfrys, Mr. J. F. Milne (Manchester), Mr. C. H. Morton (Liverpool), Mr. T. T. Nesbitt (Sunderland), Mr. W. H. Norton (Manchester), Mr. A. Copson Peake (Leeds), Mr. R. Pennington, Mr. W. A. Sharpe; also Mr. S. P. B. Bucknill (secretary) and Mr. E. R. Cook (assistant secretary).

WELCOME TO NEWCASTLE.

On Tuesday morning the members attending the meeting were welcomed to the city by the Lord Mayor (Mr. Alderman J. J. Forster) in the Assembly Rooms, Westgate-road, who, in the course of his remarks, mentioned the fact that Sir Gainsford Bruce and Sir Wm. Robson were born in Newcastle. He also referred to the late Mr. John Clayton, a most eminent member of the solicitors' branch of the profession, who was town clerk of the city.

PRESIDENT'S ADDRESS.

Mr. W. H. WINTERBOTHAM (the President) then took the chair and read his address as follows:—

After some introductory remarks, in which the President referred to the retirement of Mr. Williamson, the late secretary of the society, he said: A variety of subjects will demand your attention in the papers about to be read by members of the society. There are, however, one or two important matters outside the range of those papers to which I propose to devote the time at my disposal.

LEGAL EDUCATION.

Since I have been a member of the Council I have taken a keen interest in the question of the education of our branch of the legal profession, and I use the word education in its broadest sense. We have in the past, as it seems to me, paid too little attention to the question of general education before entering upon articles, and after articles have been entered into the legal education has not been on the right lines. Our articled clerks, with few exceptions, start their practical work on entering their articles without *any* knowledge of law or of legal principles. It seems to be supposed that a systematic study of law is not required, and that a youth can learn all that is necessary by three or five years' work in an office with such legal study as will enable him to satisfy the examiners at the Intermediate and Final Examinations. Sometimes, as the examinations draw near, he takes a few months for reading with those who devote themselves to the task of preparing articled clerks to meet the examiners successfully. It is no injustice to the capable men who devote themselves to this work to say that this is not studying law. They would be the first to recognise that preparation for an examination is akin to putting the polish on a manufactured article rather than to manufacturing the article itself. Let me deal first with the question of general education before articles. It is surely an obvious and almost a commonplace remark that unless the special training of a lawyer, a doctor, or an engineer for the practice of his profession is based upon a fair general education in classics or mathematics, in languages and history, the result must be unsatisfactory. I do not think it is the duty of the learned professions to hold examinations in subjects of general education, but until a thoroughly satisfactory school-leaving examination has been established, the standard of which is maintained by some general educational authority, and the passing of which is compulsory on all who desire to enter upon the special training required for the practice of a profession, it is inevitable that these preliminary examinations should be held, and that they should be under the supervision of those who are responsible for the training of men for these professions. At present, owing to the fact that by statute or by judge's order made under the Solicitors Act, 1877, the passing of various outside examinations exempt the student from the Preliminary Examination of the Law Society, we cannot improve that examination. So long as examinations such as the Oxford and Cambridge Junior Local Examinations and those of the College of Preceptors entitle a successful candidate to exemption from our examination, it is obviously impossible to raise our standard. In none of these examinations is classics, mathematics, history, or any foreign language compulsory. They can be passed by lads of fourteen on arithmetic, music, drawing, botany, geography, and dictation. It is absurd that we should be compelled to allow youths to be articled with no better guarantee of general education than is afforded by such examinations, and I cannot but believe that the educational authorities throughout the country, and certainly our Universities, are prepared to recognise this. It would, I fear, be impossible to make the taking of an Arts degree a necessary preliminary to the study of law, but it might, at least, be provided that no one should be allowed to enter as a student for our branch of the legal profession under eighteen years of age, and that before his name is entered he should be required to produce a certificate that he has passed a thoroughly satisfactory school-leaving examination, and until such a standard examination has been established existing exemptions from our Preliminary of the character above referred to should be abolished, so that the standard of our own examination may be raised. I have admitted that it is not practicable to make the taking of an Arts degree necessary before entering on the study of the law, but I cannot pass from the point without saying how much I myself owe to the fact that I did not enter on articles or touch a law book for more than five years after leaving school. I spent the interval in reading for an Arts degree at two Universities. I worked with reasonable diligence during the whole of that time at a variety of general subjects, chiefly mathematics, and though at two-and-twenty I had not read a word of law, I entered upon the preparation for my profession with very great advantages over those who had begun their legal training immediately on leaving school. I think those who follow us in the practice of the law will find it difficult to realise that both branches of the profession went for so long a time without insisting upon any systematic study of law, and until recent years without enforcing any test of knowledge before admission to practice. My father told me that when he was admitted to the profession in the year 1821 a judge certified his fitness as the result of a short conversation on the subject of the beauty of the Vale of Evesham, where he had been articled, and the charming manners of the solicitor in whose office he had served. In this respect our record is rather more satisfactory than that of the other branch of the legal profession. A public examination as a condition precedent to admission as a solicitor has existed since the year 1836, but it was not until 1872 that a similar rule came into existence for bar students. This state of things was condemned by the report of a Committee of the House of Commons in 1846 and by a Royal Commission appointed in 1855. The Committee of 1846 reported that no legal education of a public nature worthy of the name was then to be had, and it is worthy of note that although we have made some progress since that time a great deal of that report is by no means ancient history at the present date. The report compares the state of affairs in this respect in England with the position on the European continent and in America, pointing out that we had no scientific teachers of law—"men who, unembarrassed by the small practical interests of the profession, are enabled to apply themselves exclusively to law as a science and to claim by their writings and decisions the reverence of their profession, not in one country only, but in all where such laws are administered." The report goes on to refer to the fact that legal education on the Continent was conducted in connection with the Universities in which jurisprudence often formed the chief faculty, and that, through the legal faculty, supplied by numerous courses and tested by efficient examinations, not only the future lawyer, jurist, civilian, and solicitor, but the future diplomatist and official must necessarily pass. In considering our own shortcomings in the matter of legal education, it is instructive, and I may say humiliating, to look at what has been done in other countries. This is dealt with shortly by Lord Russell in his admirable address on legal education delivered in Lincoln's-inn Hall in 1895. He mentions that in 1894 there were in the United States 72 law schools attended by 7,600 law students taught by some 500 professors. The Harvard Law School is probably the best known of these. According to the figures I have been able to obtain, there were 150 students at Harvard in 1885, 550 in 1899, and 719 in 1908. Let me take one other example. I have received from a legal friend in the United States the current report of the law school connected with the University of Michigan, in which he is interested. From this it appears that there are in attendance at that school 958 students taught by some thirty professors. It is possible that I am addressing some who do not know the nature of the teaching at these American law schools. If so, may I commend to their perusal Professor Dicey's captivating article on "The Teaching of English Law at Harvard," which appeared in the *Contemporary Review* of November, 1899, and which has since been reprinted in pamphlet form. No one after reading that article can fail to recognise how far we are behind the United States in this matter. Professor Dicey says: "The Professors of Harvard have throughout America finally dispelled the inveterate delusion that law is a handicraft to be practised by rule of thumb and learned only by apprenticeship in chambers or offices. They have convinced the leaders of the bar that the common law of England is a science, that it rests on valid grounds of reason which can be so explained by men who have mastered its principles as to be thoroughly understood by students whose aim is success in the practice of the law." Professor Dicey goes on to point out that the legal education at Harvard Law School is not only scientific but exceedingly practical. The law clubs and moot courts are institutions connected with the law school in which cases are argued with all the paraphernalia of judge, advocates and jurymen, not omitting an intelligent audience of junior students, before whom the whole proceedings are conducted. Moreover, many of the lectures take the form of a discussion on decided cases. "It is the Socratic method applied to law and is infinitely stimulating." The best evidence of the practical character of the legal education at Harvard is that those who take the best places in the Harvard Law School are recognised as the most desirable men for practical work, and as a rule secure positions in offices from the first. I hope it may be found possible to establish a practice class (which would include such a moot court) in connection with the teaching given by our own society. Such a class, if conducted by the right men, would be very useful to all articled clerks, and especially to those who, serving their articles in small provincial towns or in small offices, do not get the opportunity of seeing a large variety of practice. Before leaving this branch of the subject I must refer shortly to the way in which the matter is dealt with on the Continent of Europe. Lord Russell, in his address above referred to, deals with the matter very briefly, but in the *Law Times*

of the 23rd November, 1895, Mr. Jenks, our own principal and director of legal studies, sets out in a convenient and concise form the nature of the preparation required in the various European States before students are admitted to the practice of the law, and he points out that in all cases, whether the legal profession is divided into two branches or is united, and whether service under articles is compulsory or voluntary, a course of legal study at a university for from two to five years followed by an examination is universal. In my judgment the time is ripe for making attendance at a recognised law school compulsory before entering upon articles, and I venture to suggest that after passing a preliminary examination in general education, such as that above suggested, every student should be required to attend an approved law school for two years, devoting his whole time to the lectures and classes and studying law with recognised law teachers, and he should be called upon at the end of each year to pass an examination with a view of testing his knowledge of the subjects studied during the previous year. Having passed these examinations successfully he would be eligible to enter into articles, which might be for a term of three years, and he should then be called upon to pass our final examination, which, in view of the examinations passed before articles, should be of a more general and practical character with a view of testing, as far as can be done by examination, the capacity of the student for the practice of the law. I would suggest that a student who has graduated in arts before entering a law school might be allowed to take his entire legal course in four years instead of five by shortening his term of articles to two years. I know that in making these suggestions—which, of course, are my own, and carry no authority behind them—it will be said that I am striking a blow at the time-honoured system of training by articles, but my work on the Legal Education Committee of the Council has convinced me that it is impossible to crowd into the same years the study of law and the work of the office. One or the other suffers. If the articled clerk is keen to study law, and his principal is accommodating, he succeeds in giving a good deal of his time to his legal reading and classes; but if, as is often the case, he becomes at once immersed in the work of the office, or his principal makes a point of early and late attendance, or he is articled where he has no opportunity of getting any help in pursuing his legal studies, he acquires little knowledge of law, and either fails in his examination, or relies upon a few months' special preparation. It will, no doubt, be said that such a preparation as I have suggested involves an expenditure of time and money, which many in this country who desire their sons to enter the legal profession cannot afford. I think it should be a sufficient answer to this to say that the training necessary for the practice of any learned profession must involve a very considerable expenditure of both time and money, and that it is not desirable in the interests either of our profession, or of the public, for whose benefit the profession exists, that the standard of education or preparation should be lowered for the purpose of meeting this difficulty. But the course of study and preparation which I have indicated is surely not open to any serious objection on this ground. No one can reasonably object to the moderate standard of general education which I have suggested, and as it is obviously impossible to admit a solicitor to practice until he is twenty-one, a curriculum which ends at twenty-three surely cannot be objected to as taking too long a time. It is true that at present the articled clerk can serve the whole term of his articles and obtain admission to the Roll without leaving his native town except for the purpose of sitting for his examinations. But is this as it should be? It is impossible in preparing either for the Bar or for the medical profession, and I am sure that it would be for the benefit of our branch of the profession if it were impossible in our own. Centres of legal teaching have now been established, varying, of course, considerably in completeness and equipment, in a good many places in England and Wales. Most of these receive grants from our society. The list at the present time includes London, Oxford, Cambridge, Liverpool, Manchester, Birmingham, Leeds, Sheffield, Hull, Bristol, Swansea, Aberystwyth, Brighton (for Sussex), Nottingham, and last, but not least, Newcastle-upon-Tyne. Assuming all these to comply with the necessary requirements which would have to be laid down to entitle their curriculum to recognition when a term of study at a law school is made compulsory—and obviously they would have to fall into line—a two years' course of study at one or other of these places would be within reach of a very large proportion of those who desire to prepare for the law, and at a modest cost, and those who do not live within reach of a centre of legal education must be prepared to do what every other student has to do who desires to qualify for a learned profession. I am satisfied that if our profession is to take in the future the position which we all desire, we must face this question of systematic legal education; we must deal with it boldly and effectively, and whether we refer to the example set us in the matter of legal education in other civilised States, or to the analogy afforded by other learned professions, we *must* recognise that the time has come when we should insist upon a proper legal education before admission to practice. Lord Russell of Killowen, in his address already referred to, urged strongly the establishment of a great central school of law in the Metropolis. He referred to the fact that the movement for the establishment of such a law school was inaugurated in 1868 by the late Mr. Jevons, a distinguished member of our branch of the profession practising at Liverpool, and was taken up by Sir Roundell Palmer in the House of Commons in 1872, and again in 1877, when, as Lord Selborne, he introduced a Bill into the House of Lords on the subject. More recently the matter has taken shape in the proposals of Sir Robert Finlay for the establishment of a law school in which the four inns of court and the Law Society were to take the leading part. Our society gave those proposals their warm support, and when, owing to opposition in one or two quarters, Sir Robert Finlay found it necessary to postpone the matter, the council passed a resolution expressing its regret, and at the same time pledging itself to give Sir Robert their support when it became possible again to press the scheme. I feel certain that before long such a school of law will be established—a school which will be a centre of legal education for the whole Empire. As Lord Russell pointed out, there is hardly any system of civilised law which does not govern the legal relations of the King's subjects in some portion of the Empire, and for all these different systems the Judicial Committee of the Privy Council is the ultimate Court of Appeal. Such a school of law should provide for the training not only of members of the bar and of our own branch of the profession, but for all who are called upon to administer justice in any part of our Empire as civil servants or as magistrates or in any other capacity. The nucleus of such a school already exists in the teaching given in connection with the inns of court and our own society, and the financial question will not, I think, be a difficult problem. It will be my earnest desire, if the time is considered ripe for another effort, to do what I can to assist in carrying out the scheme. . . .

Land Transfer.

There is one subject upon which there is little to be said that has not been said before, and yet I cannot omit all reference to Land Transfer. It is usual to dispose of the objection taken by members of our profession to compulsory registration of titles by attributing it to a selfish desire on their part to maintain a costly system of conveyancing for their own benefit. This is a convenient way of settling the question, because it has the two-fold advantage of discrediting the objector and avoiding the necessity of dealing with his objections. I confess it surprises me that so many people who would never for a moment admit that they are themselves actuated by any but the highest and most disinterested motives are so slow to give them who disagree with them credit for the same honesty. There have been in our time many most important reforms in legal procedure both in conveyancing and in the conduct of litigation. Many of us recollect the enormous length of bills of complaint in Chancery, with the interrogatories and answers which followed. The reduction in the length of these documents and the simplification of pleadings and procedure in litigation must at the time have very seriously affected the profits of many firms, but I am not aware that any opposition to these great reforms came on this account from our profession. Why, then, should we now be accused of opposing this change on selfish grounds? I do not wish on this occasion to be drawn into a discussion of the questions at issue between the supporters and opponents of the system of compulsory registration. The matter is still *sub judice*. The report of the Scottish Commission which has been considering the question of the extension of the system to Scotland is still delayed, and the English Commission is still sitting. I will, therefore, deal only in a few words with the question as it strikes me. Why is it more costly to deal with land than to deal with stocks and shares? Surely because you can create so many different interests in land, and hold it subject to so many restrictions and easements. I may create life estates, estates tail and other interests in land. I can mortgage it, lease it, and underlease it. I can sell the surface while retaining the minerals, or *vice versâ*. I can create restrictions as to user. I can create rights of way and other easements. I can do none of these things with my stocks and shares. If I want to settle or mortgage my stocks I must vest them absolutely in a person who becomes the owner for all purposes, and I must take a declaration of trust from him which does not affect his title to deal with the stocks as he likes. Moreover, in dealing with land, it is vital to see that it is accurately described by plan or otherwise, and that its boundaries are defined. All this *must* mean expense, whether there is a register or whether there is not. If all land were held and conveyed in fee simple; if you could ignore mortgages, leases, easements, restrictive covenants, and the like; if there were no copyholds, no land held in gavelkind or borough English, or other local custom, and you could (subject only to the necessity for clearly defining what land you are dealing with) transfer it as easily and as cheaply as your stock, and whether the deed of transfer was or was not registered would be a comparatively unimportant question. The vast majority of small owners in this country do deal with their land in this simple fashion. They know nothing of settlements—of estates tail and the like—and that is why so much of the conveyancing in this country under the existing system is easy and cheap. I *know* this is so. It is not a question of opinion. And this is, I believe, why there is no real demand throughout the country for a system of compulsory registration. The man in the street is not penalised by the present system. He is, on the whole, satisfied with it, and he has a shrewd impression (which I believe is well founded) that he will not better his position by having his conveyancing done for him by a department of the State. To put it in a sentence, you can reduce the cost of dealing with land by simplifying the law relating to the tenure of land far more effectively than by changing the system of transfer. If I am right in this, then surely much of what has been said on the subject is beside the mark. The supporters of compulsory registration point to the fact that under the present system of conveyancing the same title is constantly being reinvestigated on every dealing with the land, thus putting unnecessary expense upon the owner. This is quite true, but it is not difficult to suggest a remedy for this, apart from any question of registration. On the other hand, the opponents of compulsory registration point to the fact that difficulties and complications frequently arise in the Land Registry, and that it will be necessary, in order to make a registry pay its way, to increase

the fees until there will be little to choose between the two systems. That is also true; but it will always be costly under any system to deal with difficult and complicated questions. If land reformers would turn their attention to the simplification of the law of real property, the question of land transfer would, in my judgment, settle itself.

The Circuit System and the County Courts.

There is another subject with which I feel bound to deal in this address, if only because the *Times*, in a legal article published at the beginning of August, was good enough to invite me to do so. I feel considerable doubt whether what I have to say will help to remove the difficulties which have hitherto stood in the way of a satisfactory solution of the question, but I will do what I can. During the last fifty years we have seen an enormous growth in the work of the county courts, and side by side with this we have seen so considerable a diminution in the civil business dealt with on circuit that it has come to be generally recognised that the existing circuit arrangements are not suited to the conditions of modern life. Many present have no doubt read the report of the Committee appointed by the Lord Chancellor in July, 1908, to inquire into certain matters of county court procedure, over which Sir Gorell Barnes, now Lord Gorell, presided. The report is, I think, a very valuable, certainly a very interesting, document. It contains a short history of the growth of the jurisdiction of the county courts, and it also deals with the state of business in the King's Bench Division, and with the diminution of circuit business and the causes thereof. The statistics quoted in the report bring home in a very forcible way some facts of the highest importance which, I am bound to confess, I was not so familiar with as I ought to have been. One is the very small proportion of plaints entered in the county court in which there is any real dispute. Another is the very small proportion of cases involving amounts exceeding £50. A third is the insignificant number of civil cases tried at assizes in all but a few places. I cannot here make more than a passing reference to the figures, but I find that in 1907, out of more than a million and a quarter plaints issued in the county courts less than 3,000 were for sums above £50, and only 16,000 were for sums over £20. Further, that in more than 98 per cent. of the cases the plaintiff recovered judgment, and that the average amount of the judgments was under £3. The figures in the City of London Court tell very much the same tale, except that the average amount recovered was a trifle larger. It is clear from these figures that while a vast amount of the business of the county courts consists of the collection of small debts, the more important contested matters, though small in number when compared with the total number of plaints issued, are not small numerically when compared with the number of actions tried in the King's Bench Division, whether in London or on circuit; and the number is increasing, and likely to increase, apart from any question of a further extension of the jurisdiction of the county courts. Then as to the business on circuit. The figures are set out in tabular form in the report of the Committee, and a glance at those tables shows at what a limited number of places there is any substantial civil business. It also shows where the business might be concentrated if it is decided to establish provincial centres for High Court work. Take the Northern Circuit. In the two years 1906 and 1907 394 civil cases were tried or otherwise disposed of on that circuit; 378 of these were tried at Manchester and Liverpool and sixteen at the other three places on the circuit—Appleby, Carlisle, and Lancaster. On the Oxford Circuit, omitting Birmingham, which is common to both the Midland and the Oxford Circuits, only sixty-nine cases were tried in the two years on the whole circuit, and for the purpose of hearing these sixty-nine cases the judges had to sit in eight different towns. At two circuit towns in 1907 there was no civil business at all, and at another town there was only one case. It is unnecessary to multiply figures, because it is impossible to justify the waste of judicial power caused by a continuance of the present system. The question was dealt with by the Judicature Commission in their reports of 1869 and 1872, and in 1892 the Council of the Judges, while advising that a circuit system should be continued, pointed out that at forty out of the fifty-six circuit towns at which civil cases were then tried the average number of cases was so small that the sending of a judge there to try civil cases was a waste of judicial time which was injurious to the due administration of the law; and they proposed that all civil cases should be tried at eighteen places named in their resolution, convenience of access being the principle of allocation. This suggestion points obviously to one solution of the difficulty. If the High Court cases now tried on circuit could be tried at, say, twelve centres at which judges of the High Court would sit during the year as often and as long as necessary to dispose of the work, this would lead to a great economy of judicial time, and I suggest that this should be tried experimentally as a substitute for the present system. Personally, I should be in favour of dealing with the question on these lines without attempting, at the present time at any rate, any further enlargement of the general jurisdiction of the county courts. Lord Gorell's Committee set out four suggestions as to the best means of disposing of civil business in the provinces outside the present jurisdiction of the county courts, and the suggestion made by the judges in 1892 is one of these, and the one which the committee recommend as likely to remove the existing dissatisfaction. It is in dealing with the question of enlarging the jurisdiction of the county courts that the chief difficulties arise. Everyone is aware that in the superior courts the bar have exclusive right of audience, while in the county courts solicitors have the same right of audience as the bar, except that under section 72 of the County Courts Act of 1888 the solicitor acting generally in the matter for the litigant must himself appear and cannot retain another solicitor as an advocate. When the jurisdiction of the county courts was by the Act of 1903 increased to £100 the right of audience remained unchanged, but it is common knowledge that the opposition to that measure, which was so ably piloted through Parliament by Sir Albert Rollit, came entirely from the bar, and it is also common knowledge that the Bill was carried in the face of this opposition, not because the solicitors approved of the Bill, but because the chambers of commerce throughout the country supported it. Lord Gorell's Committee, in recommending that increased jurisdiction should be given to the county courts, put forward as one suggestion for a solution of the audience question, though they do not definitely recommend, that the bar should have exclusive audience in cases over a fixed amount in certain parts of the court's jurisdiction, and that if exclusive audience were given to the bar in certain courts or cases there should be as to other courts or cases some relaxation of the restrictions imposed by section 72 of the County Courts Act, 1888. I am bound to say that this suggestion does not commend itself to me, looking at it as I am honestly trying to do in the interests of the public, and I have been strongly confirmed in my opinion by the views expressed by the representatives of the provincial law societies at a meeting held in London just before the Vacation. I think if I were a member of the public litigating in the county court, I should like to have the option of either entrusting my case entirely to my solicitor or of directing him to instruct a barrister, and I should be annoyed to be told by my solicitor that as my claim was for £51 I was bound to incur the expense of instructing a barrister, but that if I was willing to reduce my claim to £49 19s. he could appear for me. My solicitor might be a skilled advocate, familiar with all the circumstances and quite capable of dealing with the case in court, and it might well be that the case had to be tried at some provincial town at which the only barrister available was a young and possibly an incompetent person. Why should I be compelled under such circumstances to incur additional expense and take the conduct of the case in court out of the hands of my solicitor in order to place it in the hands of a person in whom I had no confidence? It will be within the recollection of those I am addressing that the Lord Chancellor recently introduced a County Courts Bill, the first clause of which gave unlimited jurisdiction to county courts to hear and determine any actions which could be commenced in the High Court notwithstanding that the claim was for more than £100, subject to the absolute right of the defendant to remove it to the High Court. Two amendments to this clause were placed on the paper, one by Lord Halsbury to omit the clause altogether, the other by Lord Gorell, which proposed to give to the bar the exclusive right of audience in cases over £50; at the same time, by way of compensation, allowing solicitors to instruct their own managing clerks to appear for them, or, in trifling cases under £5, to instruct another solicitor. Lord Halsbury's amendment was adopted by a small majority, and, therefore, Lord Gorell's amendment was not discussed, and the Bill has been withdrawn. I find it somewhat difficult to understand the objection raised to clause 1 of the Bill. At the present time the county court has by consent unlimited jurisdiction, but the plaintiff and defendant must consent before the plaint can be issued. Under clause 1 of the Lord Chancellor's Bill no previous consent would have been necessary, but the defendant could have had the case transferred to the superior court as a matter of right. I should not have thought that the change proposed would have materially increased the number of important cases tried in the county court. In cases of this magnitude the parties are nearly always represented by a solicitor, and if I were representing a defendant who did not wish his case tried in the county court it would make no difference to me whether I stopped the plaintiff from proceeding in the county court by refusing my consent before proceedings commenced or by removing the case after the plaint was issued. Whether, however, the law remains as at present or clause 1 of the Bill becomes law, I fail altogether to see what this has to do with the audience question. If it is right and proper for a solicitor as the law now stands to conduct a case in the county court where the amount in dispute is over £100 (the plaintiff and defendant consenting to have the case so tried), why is he to be forbidden to conduct the same case where the plaintiff has begun the proceedings in the county court and the defendant is satisfied to let it remain there? I have a great respect for the opinion of Lord Gorell and of the members of the bar who, as members of the Lord Chancellor's Committee, favoured the suggestion on similar lines put forward in that committee's report, but I cannot avoid the conclusion that they have looked at the question too much from the standpoint of the bar. Obviously the diminution of business on circuit, the growth of a local bar in many provincial towns, and the increase of important business in the county courts has seriously affected the bar, not only by diminishing the amount of their work but by decentralising the bar and making it increasingly difficult to apply to its members those strict rules of etiquette which they have always regarded, and I think rightly, as so important in the conduct of advocacy. This point comes out very clearly in the committee's report. "We venture (they say) to express the hope that in any legislation which is contemplated, due regard will be had to the important point of not weakening the position of the bar." And again, in affirming that notwithstanding the defects in our system the administration of justice in this country in civil cases as well as in criminal is more satisfactory than in any other country in the world, they say, "We believe this is due in a great measure to the unique position of the bar, and any change in the jurisdiction of our superior and inferior courts which would substantially alter that position would have very far-reaching consequences." I feel the force of all this, but is there

not one simple answer to it? In any question affecting the administration of justice the public are entitled to have the first and the last word. The courts exist for the litigant, not for those who represent him. The question of audience is not one to be decided either by the bar or by the solicitors, or by a compromise of the question between the two branches of the profession, but by the public. We have to ask ourselves how the litigant can most economically and conveniently get his differences with his opponent heard and determined, and if we can determine this question no difference as to right of audience can be allowed to stand in the way of any amendment of the law which the interests of the public require.

There are several other matters which have engaged the attention of the Council during the past year on which I should like to say something, but I must not extend this address unduly. Moreover, the annual report of the Council presented at the general meeting of the society in July deals with these. I will therefore confine myself to a very brief reference to one or two matters only. Our attempts at legislation have been unsuccessful not on account of any want of energy on our part, nor on account of any serious opposition to our proposals, but because it has become well nigh impossible for a private member to pass a Bill of any kind through Parliament even when it raises no contentious questions. Our Bills to amend the Conveyancing Act and the Settled Land Act are admittedly excellent measures, and if even a few hours could have been given to them by the House of Commons they would probably have passed without any serious opposition, but Government business has made progress with any other measures impossible. Another Bill prepared by the Council to amend the law of customary freeholds and freeholds subject to peculiar customs would have very much simplified conveyancing by abolishing, with due regard to existing interests, special customs relating to the tenure of land, but it has shared the fate of the other Bills and for the same reason. I cannot pass from this subject without saying how much we are indebted to Mr. Hills, a comparatively recently elected member of our Council, for the great help he has given us in the House of Commons in our efforts to carry these Bills. A series of articles on "Solicitors' Rights and Wrongs," which recently appeared in a legal paper, created considerable interest, and the points raised in those articles were very carefully—and I may say very sympathetically—considered by a Special Committee of the Council, of which I was a member. The complaint (stated in general terms) was that business which under the existing law, or by analogy to the existing law, should be exclusively conducted by solicitors was, in fact, largely done by unqualified persons. The various classes of cases referred to in the articles were gone through, and reluctantly but unanimously the committee presented a purely negative report. The committee pointed out that in certain cases the existing law is successfully enforced—as when unqualified persons by threatening to take proceedings on behalf of other persons hold themselves out to be solicitors—in other cases (as when law stationers act in Probate business as agents for country solicitors) it was pointed out that the chief offenders are the solicitors themselves; in other cases the committee could only refer to the utter hopelessness of going to Parliament for the protection desired, a protection which (in view of the fact that we pay a substantial annual tax for liberty to practise) I think we are entitled to on some of the points raised. The fact is, and with this I must conclude, that this is not an age of privilege. Let me illustrate this by a reference to the medical profession. I believe it would be a most desirable thing if only duly qualified medical men were allowed to prescribe for and attend patients. There is, however, nothing to prevent a quack from selling the most pernicious drugs if only they do not contain a scheduled poison, or a man absolutely ignorant of anatomy from performing a surgical operation, and although in some of our Colonies this is forbidden by law, the medical profession have vainly urged legislation on the same lines in the Mother Country. I am satisfied that our profession has a great future before it. The increase of population and of wealth and the constantly increasing need for the closest application by every man to his own particular occupation if he desires to succeed, and I might add the fact that so many people have neither the inclination nor the capacity to manage their own pecuniary affairs, must, as it seems to me, always leave plenty of work for a body of men of education, integrity, and capacity who have made the laws of their country their special study. Only let us take heed that we do not live in the past. We must move with the times. We must not sit still and allow the public to think if they require advice on questions of account that they must necessarily go to an accountant—if they require advice in dealing with land and houses that they must necessarily consult a land agent or surveyor—if they want a trust expeditiously and economically administered that they must needs go to a trust company or to a banker, or even to a public trustee. I say nothing against any of these people. I have no doubt they are for the most part competent and useful persons, but if I am not competent to understand and criticise a trust or a business account, or to protect the interests of a client in dealing with his real and leasehold property, or to administer an estate under a will or settlement, I am certainly not a competent solicitor. I would call in the services of all these gentlemen as and when required, but my experience after forty years' hard work as a solicitor convinces me that as a profession we can hold our own in competition with all these gentlemen, and that if we lose our business it will be because we do not adapt our training and our methods to the exigencies of the present day.

Mr. R. Pybus (president of the Newcastle Law Society) moved a hearty vote of thanks to the President for his address, which was carried by acclamation.

Next Year's Meeting.

Mr. C. E. Parry (Bristol), on behalf of the Bristol Law Society, gave the society a very hearty invitation to hold next year's meeting at Bristol.

The President said the Council most cordially accepted the invitation.

Land Transfer Act.

Mr. J. S. Rubinstein (London) called attention to that part of the President's address in which he referred to land transfer, and moved the following resolutions:—That with regard to the land transfer controversy this meeting desires to place the following views on record: (1) That it is to be regretted that the Scotch Royal Commission, appointed as far back as May, 1906, on registration of title, has not yet presented its report, and all the more as the delay has given rise to the belief that the report is being purposely kept back because the conclusions arrived at are not favourable to the continuance of the system of registration, and are therefore not in accordance with the predilections of the authorities. (2) That the last land transfer rules, issued on the 1st of January, 1909, have by their arbitrary provisions, and by largely increasing the registration fees, made it clear that a system of official land registration must necessarily impede the free transfer of property, and consequently depreciate its value. (3) That the expense, complications, and dangers of the registration system are so pronounced and indisputable that it is in the urgent interests of the public that the Privy Council should forthwith use the power given them by Section 20 of the Land Transfer Act, 1897, to revoke the Order compulsorily applying the system to the County of London, and that property owners should be left free to register or not, as they deem best in their own interests.

A number of suggestions were made as to alterations in the resolutions.

The President said that on the motion of Mr. Rubinstein a resolution upon the subject of land transfer had been passed at the Provincial Meeting in Birmingham last year, and that resolution had been pressed, so far as the Council could do so, upon the Lord Chancellor. It was a very delicate thing to tell the Lord Chancellor to appoint more people upon a commission which was already sitting. The late President, Mr. J. S. Beale, took a great interest in the matter, and did his utmost with the Lord Chancellor; but the Lord Chancellor met his representations in silence. So that nothing further could be done. A gentleman, whose mouth was closed to-day, was present at this meeting, who was a member of the commission, and he had given a great deal of attention to the subject. He had seen that the views of the Council had been put most fully before the commission. The Council had a standing committee sitting throughout the year which dealt with the matter. They had been in immediate communication with the associated country law societies. The evidence of the Council and of the country law societies had been very carefully prepared, and the Council had been watching the matter, and had taken care that the evidence the profession desired to put forward should be brought before both the Scotch Commission and the London Commission, and the commissioners had heard them fully. He was glad to hear they had issued their circular. It was a curious circular. It said they had heard the evidence of people who were not so very much concerned in the matter, the lawyers, who thought they should not have registration, and that they had not heard evidence from the people really concerned, the public, and they had invited the various councils to say what they thought about the matter. He was very glad they had done so, and he was very interested to know what replies they would get. But he thought they had done the right thing. The public were the parties concerned, and if there was any suspicion of the evidence given by officials and lawyers the evidence of the public would set them right. In his opinion the public would have little to say in favour of compulsory registration. Mr. Morton had been in close communication with the Council with regard to country evidence, and the Council had carefully kept the two distinct. The Council had said why compulsory registration should be removed in the case of London, and the country had said why they thought it should not be inflicted upon them. He ventured to think it was now a question rather of prudence with regard to the resolutions. He thought the third resolution most unwise. It was inviting the answer which it was absolutely certain would be given. It was the sort of question he should ask if he wanted a particular answer. It was saying: "Will you at once and forthwith exercise the powers given to you?" The answer was obvious. The most junior clerk in the Privy Council Office would reply at once: "Whilst the commission is sitting we regret we can take no action." Obviously if the report was not unanimous, or if it was against compulsory registration, that would be the course the Council would press strongly upon them. The committee of the Council dealing with the matter met almost every week, and the council would not hesitate to press the matter very strongly whether the resolution was passed or not.

The first resolution, on being put, was carried, with an amendment accepted by Mr. Rubinstein, striking out all the words after "has not yet presented its report."

The second resolution was agreed to, the word "arbitrary" being struck out and the words "and compulsory" being inserted after the word "official."

The third resolution was withdrawn at the suggestion of the Vice-President.

Mr. Frank Marshall, B.A., read a paper on

The Circuit System.

The question of the best method of providing for the disposal of provincial litigation has been the subject of repeated discussion for many years past, and of a certain amount of experiment during recent years, but no one can pretend that the existing state of affairs is satisfactory or worthy of a country which boasts of a charter of liberties, dating back for nearly seven centuries, which declares "To no man will we sell or deny or delay right or justice." The subject has recently been brought into prominence by the report of the committee appointed to inquire into certain matters relating to county courts and by the introduction by the Lord Chancellor of a Bill to amend the law relating to county courts. The first clause of the Bill (which gave unlimited jurisdiction to the county courts in common law cases subject to a right of removal into the High Court by the defendant where the claim exceeded £100) having been thrown out on the motion of Lord Halsbury, the Bill has been withdrawn, and, in the present state of parliamentary business, any immediate legislation can scarcely be anticipated. The importance of the question cannot, however, be gainsaid, and the Provincial Meeting of the Law Society seems an appropriate opportunity for its consideration. Solicitors may at least claim to have practical and first-hand acquaintance with the problem to be solved, and some of them, at any rate, consider that its solution does not lie in an increase of the jurisdiction of the existing county courts. The committee referred to, of which Lord Gorell was chairman, was appointed "to consider the relations now subsisting between the High Court of Justice and the county courts, and to report whether any and what alteration or modification should be made in those relations and consequently in the jurisdiction and practice of the county courts," but in considering the matters referred to them the committee came to the conclusion that the real question for their determination was "What is the best way of dealing with that work, which is, or ought to be, disposed of in the provinces and is beyond the present jurisdiction of the county courts?" and they state that in their recommendations they have borne in mind that any changes should not interfere with the speedy trial of small cases and the maintenance of a very simple and inexpensive procedure for such cases, and yet should meet the growing demand of the country for increased facilities for dealing with all litigation locally, expeditiously, and economically, and especially litigation in cases of a mercantile nature. This statement of the principles on which the necessary changes should be made will no doubt commend themselves to all, but there will doubtless be wide divergence of opinion as to what the actual changes should be. The committee considered four suggestions as the best means of dealing with the question, and, the object of this paper being mainly to stimulate discussion, it seems desirable to mention them here, as each may not improbably find supporters. They are: (1) That the county courts should become part of the High Court, with unlimited jurisdiction in actions, but subject to a right on the part of a defendant to have any case in which the amount sought to be recovered should exceed a certain limit transferred to the superior branch of the High Court; (2) that the county courts should remain with their present constitution, but should have unlimited, or at any rate much enlarged, jurisdiction in actions, subject to a right of transfer as aforesaid; (3) that provincial or district courts should be established for cases not left to the county courts; (4) that the circuit system should be remodelled so as to concentrate the civil work in centres, and that more time should be allowed and more convenient arrangements made for the disposal of business. In the opinion of the committee, the last of these suggestions affords the true solution of the problem, and as this is an opinion which I respectfully venture to share, without, however, agreeing with all the committee's recommendations, I propose in this paper to consider the means of giving practical effect to it. Before doing so, it is desirable to consider the objection that will no doubt be at once made by the supporters of other schemes, that the decrease of work on circuit for years past is in itself a sufficient reason for looking for some other method of dealing with the difficulty. That circuit work has decreased of late years cannot be denied. The annual average of actions tried or otherwise disposed of in court on circuit during twenty-five years has been as follows:—1882-1886, 1,179.2; 1887-1891, 879.6; 1892-1896, 829.4; 1897-1901, 819.4; 1902-1906, 763.2. The figures for 1906 and 1907 were 620 and 580 respectively. The importance of these figures must not be overrated. They relate only to cases disposed of *in Court*, and take no account of the large number of cases disposed of *out of Court* after the cases have been set down for trial and briefs delivered. They must not be accepted as an index to the actual volume of circuit work. But to what is the admitted decline of work on circuit to be attributed? By way of answer, I cannot in the first place do better than quote the finding of Lord Gorell's Committee on this point. It is as follows:—"The great diminution of business on circuit is mainly, if not entirely, due to a prevailing dissatisfaction with the present system, the arrangements for which do not meet the needs of the day. The time which at present can be given by the judges for circuit purposes is not adequate, and the result is that the trial of cases cannot take place with sufficient convenience, frequency, or continuity, and that times have to be fixed which may or may not be enough for the work to be disposed of, and, if not, late sittings under pressure, or postponement of cases, are necessary, and other inconveniences are occasioned. There is a constant pressure in the direction of curtailment, due to the requirements of London business and the consequent necessity for the return of the judges and counsel to London as soon as the assize business can be got through. Another reason for the diminution of business on circuit is that since actions have been tried in London at the same time as on circuit, it has become much more difficult than before to secure the services of counsel of established reputation on circuit. At a few assize towns the cause list is heavy enough to attract a good bar, but at the great majority of assize towns counsel do not habitually attend as they used to, and they have to be brought by heavy fees, and if they happen to be prevented at the last moment from coming, cannot easily be replaced. The general result is that resort is had to London in some cases, in others the parties content themselves with arbitrations before courts of arbitration, or named arbitrators, or with the county court, or are forced to settle their disputes." The justice and moderation of the words I have quoted will, I think, be generally acknowledged. In addition I would like to mention what seems to lie at the root of many of the causes of dissatisfaction with the present system, viz.: an implicit assumption that there is some essential difference between the cases tried in the Strand and those tried in the provinces, and that every effort must be strained to secure adequate, deliberate, and continuous trials of the former, even if the result be that the latter are treated with comparative neglect. Leaving out of the question the Commercial Court, which I will consider later, if the cases which under a properly arranged circuit system would be tried in the country were eliminated from the cases tried in London, it would be found that the average London common law case is in no sense more important, whether regard be paid to the amount at stake or the questions of law involved, than the average of cases tried at assizes. No reason, except that they are not "provincial," is forthcoming for granting exceptional treatment to the inhabitants of London and the neighbourhood. If justice is not to be denied or delayed to *any* man, a plaintiff in Northumberland ought to be able to bring his case to trial at a convenient local centre as speedily after the cause of action arises as a plaintiff in a London suburb, and to have it tried there by a judge of the High Court as seriously and deliberately as it would be tried at the Royal Courts of Justice. Lord Gorell's Committee justly urge as a very strong objection to the first of the four suggestions before quoted "that suitors in the provinces are entitled to have, and ought to have, facilities for the trial of their causes within their own districts before judges of the High Court, as it at present is constituted, similar to those enjoyed by suitors in London," and in considering the suggestion to include in the Commissions of Assize the names of some of the county court judges they pertinently point out that it has never been suggested that any of the London work of the High Court should be dealt with by commissioners or others than the High Court judges, and that the country litigants should be in no different position from those in London. In 1892, the late Mr. Justice Cave, in his remarks on the Report of the Committee of the Council of Judges, said that the ideal circuit system is that twice in every year the judges should go circuit for the purposes of trying those causes which can be most conveniently and at least expense tried in the country; and that during the circuits the trial of causes in London should be suspended; and that this could only be done satisfactorily when the causes standing for trial in London had been practically disposed of before the judges started on circuit. He added, "So long as there is a long list of causes ready for trial in London, it will cause murmuring and discontent that the judges should leave that work undone in order to go into the country to do work there which is not at all more pressing nor more deserving of attention than the work in London, which has to be stopped while the judges are away." Since those words were written, murmuring and discontent have spread throughout the length and breadth of the land at the work in the country being left undone or being unduly hustled in order that the judges may return to London to do work there which is not at all more pressing or more deserving of attention than the work in the country. How then are the conflicting claims of town and country to be adjusted? The obvious reply in the first place is by appointing more judges of the King's Bench Division. It is unnecessary to labour this point in a meeting like the present. The latest pronouncement on this point has been in the Report of Lord Gorell's Committee, from which I again quote. "It has became definitely apparent, and will become more so, that the number of King's Bench judges is insufficient for the work which they are now called upon to do, if they are to remain unassisted. They are always working at the highest pressure, and yet there are always arrears. The best arrangements which they can at present make are liable to and do break down, in consequence of the temporary illness or absence of a judge for any necessary reason, the occurrence of any specially heavy case on circuit or at the Central Criminal Court, and the circuits have to be, so to speak, starved in order to keep up the work in London." It is understood that the Lord Chancellor is not satisfied as to the necessity of appointing additional judges. One can but hope that the Committee that has been appointed may eventually satisfy him and the Government of the pressing need which all who through their acquaintance with the facts are competent to express an opinion have admitted without hesitation or qualification. The next suggestion I wish to put forward is concerned with the work in London, and it is that the work of the Commercial Court should be united with the Admiralty work, which should be disassociated from the Probate and Divorce work. The Admiralty work is not enough to occupy one judge's entire time; the work of the Commercial Court, on the other hand, is more than sufficient for one judge. Two judges appointed on account of their special knowledge of Admiralty and Commercial work, and sitting continuously, would be able to deal effectively with all that class of work, and afford the opportunity of forming a strong tribunal with the necessary machinery for dealing with the Admiralty and Commercial cases in a businesslike way which would command the confidence of business men. The advantages

of the procedure of the Commercial Court would be more fully secured by continuity of administrations and the services of the registrar and merchants could be applied to the assessment of damages in many cases of a commercial and not purely Admiralty nature —a method of procedure which would often be found of the greatest utility. A practice of the judge being assisted by assessors in technical cases, such as shipbuilding and engineering disputes, in the same way as he is assisted by the Trinity House Masters in Admiralty cases, might also be established with advantage. In the rules which the late President of the Admiralty Division issued last year (the Admiralty Division (1903) Short Cause Rules) the means were provided for adopting by consent in the Admiralty Division procedure similar to that of the Commercial Court. The very limited use that has been made of these rules is probably due to the fact that they can only be applied by consent, and that inasmuch as they depart from the ordinary rules and practice the client's authority to consent must be obtained, and further that no appeal lies under the rules, except on a question of law, and then only by leave of the judge who tries the case. If a division were formed for Admiralty and Commercial work, as suggested, there is no reason why appropriate rules on the lines of the present practice of the Commercial Court and of Lord Gorell's rules should not be made for such division. On the question of appeal, the rule of the Commercial Court which requires the agreement of the parties to the judge's decision being final would probably be preferred. If the proposed division sat continuously it would, I think, meet all the legitimate demand for continuous *Nisi Prius* sittings in London. The work of the Commercial Court is, broadly speaking, the only London *Nisi Prius* work which can rightly claim precedence over the country work. As to the remaining work, the country ought to receive equal consideration with London. Holding the opinion expressed in the last paragraph, I would suggest the reversion to the old system, by which all the circuits went out together, and this seems to me desirable even if the present circuit system continued unaltered. A fixed number of judges can only get through a certain amount of work in a given time, and the present system cannot secure any greater progress with the London cause lists than if the circuits went out together. As Lord Justice Bowen expressed it, the business powers of a court being constant, the distribution of its sittings differently will not enable it to try a single extra case. On the other hand, the full force of judges sitting continuously for the remainder of the sittings, after disposing of the country work, would get through more London work in the course of the sittings than the present uncertain and intermittent supply can do. The advantage to be derived in the country from the adoption of this course is the overcoming of the difficulty as to the circuit bars referred to in the quotation I have already made from the report of Lord Gorell's Committee. This difficulty and the consequent increased expense of trial on circuit are not by any means overstated in such quotation. I now come to the question of the reduction in the number of places on the circuits at which civil work shall be taken. If this question were dealt with comprehensively a great saving of judicial time might be effected which would go a long way towards meeting the demand for sufficiently long sittings at the selected centres. As long ago as 1886 the late Lord Justice Bowen wrote as follows: "The truth is that there is an obvious reform in the circuit system, equally for the advantage of the suitors and of the bar, that never yet has been tried; the abolition, namely, of civil circuits at towns of faded importance, and the concentration of civil circuit business at a limited number of important provincial centres. . . . A fewer number of circuit centres for civil business, each with a substantial list of causes, would be a benefit to the bar, and a great economy of judicial time." The grouping of counties for the winter and spring assizes for both criminal and civil work was attempted for a time to a limited extent. The attempt gave rise to much complaint, chiefly, if not altogether, however, in respect of the criminal work, and since 1888 grouping has been abandoned. In 1892 the Council of Judges reported strongly in favour of a system of grouping for civil business, whilst retaining the old system for criminal work, and recommended that the number of towns for civil assizes should be reduced from fifty-six, as they then were, to eighteen; that civil assizes should be held at each centre twice a year; that the judges should not leave any centre till all the causes entered for trial there were disposed of, and that daily cause lists should be instituted so as to enable due notice to be given to the place from which the cause came. No serious attempt has been made to carry out this reform, although since the report of Lord Gorell's Committee again insisting on the necessity for it Orders in Council have been made, to which I will refer later, grouping a few towns for the next Winter Assizes for both criminal and civil work. Whatever may be done with regard to the criminal work, the civil work should be concentrated at a few centres selected for convenience of access, having regard to present-day means of communication. This is a question on which provincial solicitors can render assistance with their local knowledge, and I hope solicitors from other parts of the country will be prepared with suggestions as to their own districts. Personally, I venture to propose for consideration a scheme for the area at present covered by the Northern and North-Eastern Circuits. The present assize towns on these circuits are: Northern Circuit.—Appleby, Carlisle, Lancaster, Manchester, Liverpool. North-Eastern Circuit.—Newcastle, Durham, York, Leeds. Manchester and Liverpool have achieved their own salvation in this matter, and the recent Order in Council with regard to those cities affords an excellent precedent for the course to be adopted at the selected centres. The civil cases disposed of at Lancaster were only two in 1906 and five in 1907, and I would propose concentrating this work in Manchester. At Carlisle one case was disposed of in 1906 and seven in 1907. This work I would bring to Newcastle. At Appleby one case was disposed of in 1905 and none in 1907. Any work arising there could most conveniently be taken to Leeds. On the North-Eastern Circuit I would have only two centres for civil work—Newcastle and Leeds. Geographically, Newcastle is the centre of the counties of Northumberland and Durham, and for practically all the towns in the county of Durham, from which the civil work comes, it is more convenient both for getting to and remaining at than the City of Durham. Civil work at York Assizes has almost disappeared, and such as there is could be conveniently tried at Leeds. The scheme I have outlined would thus give four centres for civil work in the six northern counties, viz.: Manchester, Liverpool, Leeds, and Newcastle, instead of nine as heretofore. This reduction is greater than that proposed by the Council of Judges in 1892. Their suggestions involved the retention of Carlisle on the Northern and Durham and York on the North-Eastern Circuit. On fuller investigation it might possibly be considered desirable to retain Carlisle, in which case the work from Appleby would go to it, but I doubt if this would really be necessary. The civil work at Newcastle and Durham, if tried together, would provide regular lists of substantial work, justifying three sittings in the year, and the balance of convenience is in favour of Newcastle as the place of trial. Daily cause lists settled at a reasonably early hour in the afternoon, say after the luncheon interval or not later than 3 p.m., combined with the use of the telephone, would reduce the inconvenience and waste of time of the parties and their witnesses to a minimum. A similar process of selection applied to the rest of the country would result in the reduction of the number of towns for civil assizes from fifty-eight, the present number, to under twenty. The civil work at the existing assize towns near London would be conveniently dealt with there, and for that purpose London would become an assize town, the work for the existing assize towns concentrated there being taken whilst the other circuits were out. Power could be reserved on good cause shewn to order a case to be tried at any place where a judge was taking criminal business. For example, a heavy right-of-way case, the *locus in quo* being in Cumberland and the witnesses numerous and some possibly infirm, might be ordered to be tried at Carlisle after the gaol delivery had been concluded. So far as civil business is concerned, what is required can be carried out by Order in Council under section 23 of the Judicature Act, 1875, which gives the King in Council full power over circuits, counties, and assize towns. The Orders in Council to which I before referred are made under the Winter Assizes Acts, on account, I presume, of the necessity of providing for the criminal business. They are a move in the right direction, though a timid one, So far as England is concerned, little is done; the only changes being that Westmorland is grouped with Cumberland with sittings at Carlisle, Rutland with Leicester with sittings at Leicester, and Huntingdon with Cambridge with sittings at Chesterton. In Wales, the principle of grouping has been carried further, and the eleven assize towns (exclusive of Chester, Cardiff, and Swansea) have been reduced to four (Ruthin, Carnarvon, Brecon, and Carmarthen). The application of the principle of grouping throughout the country will undoubtedly do violence to local feeling and stir up opposition in the towns of faded importance which are deprived of their privileges, but the time has surely come when the judicial business of the country should be administered on business lines and a system devised sufficiently elastic to deal with the changed conditions of modern times. The old circuits are a survival of the days of stage coaches: a railway map and "Bradshaw" should be the guides in determining the new centres. The adoption of any scheme of concentration would, however, largely fail in its object unless sufficient time were allotted to enable the work at the selected centres to be properly dealt with and the sittings were held sufficiently frequently. The arrangement of times would be easier owing to the fewer number of places and the more regular volume of work to be dealt with. Dissociating the civil work from the criminal would also save time on the civil side, which would be independent of commission days and all formal assize business. The ideal to be aimed at, as pointed out in the Report of Lord Gorell's Committee, is that adequate time should be given and convenience of sittings arranged so that not merely should the list at the assizes be "disposed of," but that the courts should hold themselves out as able and ready to sit in the provinces without pressure and so long as there is any work for them to do. The reservation of points of law for argument and the giving of judgment in London should be things of the past, and all cases should be finally disposed of at latest before the end of the local sittings. The recent Order in Council relating to Manchester and Liverpool offers, as I have mentioned, an excellent precedent for application to other centres. Under it the civil business at each city is to be assigned to a judge of the King's Bench Division for each sitting (Easter and Trinity Sittings to count as one sitting) and the assigned judge is to sit at Manchester on or about the 1st of November, the 1st of February, and the 1st of May, and at Liverpool on or about a fortnight after each of such dates, and if necessary is to hold adjourned sittings at both cities so as to dispose of all actions entered for trial at Manchester not later than five weeks and at Liverpool not later than three weeks before the end of each sittings; the list is to be in charge of the assigned judge, and the judge holding a criminal assize when not required for criminal business is to asist in the civil work if the sittings for civil work is then current. Similar arrangements for dealing with the work three times a year at centres selected, as before suggested, would, I believe, result in substantial cause lists at such centres to the partial relief of the London lists, would satisfy a legitimate demand of the provinces and do away with any necessity for the extension of the jurisdiction of the existing county courts. There is

one other suggestion in the interests of provincial suitors which I venture to put forward, and that is, that matrimonial cases should be tried on circuit. In these cases, it cannot be denied that there is one law for the rich and another for the poor, and, what is even more absurd and unjust, one law for the poor in London and its vicinity, and another for the poor at a distance from London. Lord Gorell, who in 1896 expressed a strong opinion in favour of all divorce cases being tried before one tribunal sitting permanently in London and against such cases being tried at assizes, has modified his views on this question in the light of the experience of late years and the results of the Summary Jurisdiction (Married Women) Act of 1895. The committee over which he presided, whilst declining to recommend that any matrimonial cases should be tried at assizes, has recommended that the county courts should have jurisdiction limited to cases where the petitioner can satisfy the judge that his or her whole assets after payment of debts are not worth £50 and that the joint incomes of the petitioner and respondent are less than £150. The committee further recommend that the cases should be heard by a judge without a jury, and that the judge should have power to assess damages limited to £100, and that the right of audience should be similar to that prevailing at quarter sessions. It seems to me personally undesirable that any such cases should be tried in county courts, even if the publication of the proceedings were prohibited as is suggested, and I cannot understand anyone acquainted with the circumstances in which business is carried on at county courts suggesting such a course except as an absolutely last resource. On the other hand, I think such cases might be tried on circuit even without the suggested limitation as to the means of the parties, which seems in any event to be much too low. There seems to be no sufficient reason why the procedure of the Divorce Division should not be assimilated to that of the King's Bench Division—substituting a writ for the citation, a statement of claim, verified by affidavit, for the petition, and so forth—and why matrimonial cases should not proceed in the district registries, the suggestions of Lord Gorell's Committee as to the supervision and keeping minutes of the proceedings and as to the granting of decrees absolute being also adopted. Those who could afford it would still take their cases to London in order to avoid a local trial, even if publication of the proceedings were prohibited, and to the poor the difference in cost will be little, if anything, between a case conducted in the district registry and tried at the assizes and one conducted entirely in the county court, if in the latter case evidence as to means is to be proved "by affidavits or other proper evidence with satisfactory corroborative proofs" before the petition can be filed, the proceedings are to be the same as in the High Court, and the employment of counsel is to be compulsory. The objections against the trial of such cases by any but a permanent tribunal in London apply with much greater force to the county courts than to the assizes, and to make such cases triable at assizes seems the least objectionable way of dealing with a universally admitted injustice, especially if the publication of details were forbidden. The views expressed in this paper are not put forward as being novel. They are in the main to be found in the Report of Lord Gorell's Committee, although they were probably held by many present long before that committee was appointed. I have quoted largely from the Committee's report, which appears to me to sum up admirably the material facts relating to the circuit system, and, in conclusion, I wish to emphasise the importance from the point of view of the provinces of the main basis of the report—viz., that the High Court Judges should be in sufficient strength to deal adequately with all the work which ought to be done by them, whether in London or on circuit, even though the proposals made result in some of the judges devoting their whole time to circuit work, and that the same facilities should be afforded to the country as to London for the trial of cases by the High Court Judges.

He moved that this meeting requests the Council to use its influence to secure (1) the remodelling of the circuit system on the lines suggested in the Report of Lord Gorell's Committee; (2) the amalgamation of the Admiralty Branch of the Probate, Divorce and Admiralty Division with the Commercial Court; and (3) the trial of matrimonial cases on circuit.

An appendix to the paper contains the suggested rearrangement of the Circuit System:—

Centre.	Grouped Towns.
London ...	Maidstone, Guildford, Hertford, Chelmsford, Aylesbury, Bedford, Northampton, Reading, Oxford.
Birmingham ...	Warwick, Worcester, Shrewsbury, Stafford.
Cambridge ...	Huntingdon, Bury St. Edmunds.
Norwich ...	Ipswich.
Nottingham ...	Leicester, Oakham, Derby.
Lincoln ...	
Leeds	York, Appleby.
Liverpool ...	
Manchester ...	Lancaster.
Newcastle ...	Durham, Carlisle.
Bristol ...	Wells and Taunton.
Gloucester ...	Hereford, Monmouth.
Winchester ...	Salisbury and Devizes, Dorchester.
Exeter ...	Bodmin.
Lewes	
Chester ...	Mold, Ruthin.
Carnarvon ...	Beaumaris, Newtown and Welshpool, Dolgelly.
Carmarthen ...	Haverfordwest, Lampeter.
Swansea ...	Presteign, Brecon.
Cardiff ...	

He moved the resolution with which the paper concluded, omitting clause 3.

The PRESIDENT observed that it would be better to defer the discussion of the paper until after the reading of the following paper.

County Courts and Matrimonial Causes.

Mr. C. H. PICKSTONE (Radcliffe, Lancashire) read a paper, in which

After dealing at some length with the inequality of the Divorce Law as between the rich and the poor, he said: What, then, is the remedy? Clearly it is to confer a limited jurisdiction in divorce on the county court. When it is recollected that every other kind of legal necessity from which a person may suffer, whether it arises in connection with common law, equity, probate, admiralty, or even ecclesiastical law, can be remedied practically at his own door, it is surprising that an equally accessible local tribunal to decide the comparatively simple issues involved in the inquiry where a spouse has been guilty of adultery has been so long denied. Indeed, it is quite inexplicable that the Legislature having so lightly entrusted a couple of lay justices of twenty-four hours' standing with power to permanently separate husbands and wives—wider in its nature than that possessed even by the President of the Divorce Court—should hesitate to entrust any jurisdiction in divorce to the able, experienced, and trained lawyers who sit on the county court bench. Having said so much on the mischief of the existing system, it will now be convenient to consider the remedy proposed by the committee. Of course, the county court jurisdiction must be strictly limited to the class for which it is intended. Moreover, to ensure general effectiveness and uniformity and to prevent abuse, certain restrictions and reservations are desirable. Shortly, the proposals are:—(*a*) That the jurisdiction should be limited to cases where the free assets of the petitioner are less than £50 and the joint incomes below £150; (*b*) That, following the lines of the County Court Act of 1903, although the petitioner should be entitled to file his petition in his own local court, the trial should take place in certain selected courts on dates exclusively reserved for matrimonial business; (*c*) The Metropolitan and Home Counties Courts to be excluded; (*d*) Trial by judge alone; (*e*) Damages limited to £100; (*f*) That with a view to the retention by the Divorce Court of some supervision, the papers in every case should before trial be transmitted to a special department in the principal registry for certification as in order; (*g*) The Divorce Court to have power to remit cases to the county court. This is a very necessary complement to the major relief, as under the existing system many divorce cases go by default because the respondents are too poor to contest them. In 1907 out of a total of 729 there were 576 undefended. (*h*) That the decree *nisi* only should be made in the county court; all decrees absolute to be pronounced in the Divorce Court. As the committee point out, this would not necessitate the attendance of the parties in London, as, unless there were something special about a case the decree absolute would be made as of course. (*i*) The right of audience to be similar to that prevailing at quarter sessions—in other words, solicitors are to have no right of audience save where there is no regular attendance of the bar. Seeing that the object of conferring the jurisdiction on county courts is to meet the case of the poorer classes, it is perhaps questionable whether this restriction is politic. But if some such provision is deemed necessary, a better plan would seem to be—following the lines of the Licensing Act, 1904—to leave the question of right of audience to the local tribunal. It may be urged that this would mean a want of uniformity in practice; but the same may be said of the practice before the various compensation authorities, the regulations of some of these bodies—notably the Salford Hundred—excluding solicitors, while others admit them. (*j*) Newspaper publication to be confined to notification of the decrees; (*k*) The jurisdiction conferred by the Act of 1895 and the Licensing Act, 1902, upon Courts of Summary Jurisdiction to permanently separate husbands and wives (except for cruelty) to be taken away. When one reflects that the present system permits of a couple of laymen, whose status may be only that of common jurors, without any direction from a lawyer trained in this delicate jurisdiction—for the clerk is not necessarily a solicitor—granting divorces *a mensa et thoro* at the rate of over 7,000 per annum it is, to say the least, disquieting. The only real objection or difficulty is the question of collusion, for the repression of which the office of King's Proctor was instituted. It is urged by those who oppose the reform that the King's Proctor is already sufficiently handicapped, and that it would be impossible for him to keep an eye on divorce cases going on all over the country. But upon consideration the difficulty would seem to be exaggerated. The King's Proctor is not required, but merely authorised, to intervene, and except in those gross cases where the judge himself orders the papers to be forwarded to him, he seldom moves *ex mero motu*, but is put on the scent by communications—often anonymous—made to him by interested parties. His facilities for intervention would, therefore, as the committee points out, be much the same as they are now. Moreover, speaking from an intimate acquaintance with the lives and habits of the working classes, I do not think there will prove to be that increase in work for the King's Proctor which persons whose ideas of the prevalence of collusion are derived from the experiences of the Divorce Court seem to apprehend. On the contrary, I think collusion will be found of rare occurrence in the homes of the poor. The conditions which lead up to these cases of "arranged" adultery with a view to mutual release are not found in the humbler ranks of society. Husbands and wives are more dependent on each other, do not go their own separate ways

and lead their own different lives as is the case in so many of the "society" homes. Moreover, the poorer classes have to work hard for a living; they have no time for the intrigues with which some of the richer classes amuse themselves, and which are too frequently the result of their idle and restless lives. If it was found impracticable or involved too much expense for the King's Proctor to appoint local agents after the manner of the Director of Public Prosecutions, the judge or registrar—the latter of whom is on the spot—might be charged with the duty of referring suspicious cases to him. Under the Workmen's Compensation Act the registrar is already charged with the duty "on any information which he considers sufficient" of intervention between the making and the registration of any agreement which he has grounds for thinking has been "obtained by fraud or undue influence or other improper means."

But to cover the ground it is necessary to consider two subsidiary objections:—(1) That in consequence of the additional work cast on the county courts in recent years, particularly by the Act of 1903, these courts are "already blocked"; the judges are "overworked"; the "poor" man is ousted and cannot get justice. This is the favourite argument of the ex-Chancellor. The question is, whether the evidence supports this indictment of the general efficiency of the county courts to cope with the increased business which divorce jurisdiction would involve. The objection seems to depend mainly upon the imprimatur of the ex-Chancellor and the alleged experiences of the Bar; it is not supported either by facts or statistics. If the 1903 Act had really resulted in blocking the courts, overworking the judges, and squeezing out the poor man, one would expect to see some evidence of it either from within or without. But the judges do not complain. On the contrary, as Lord Gorell has pointed out, the judges as a body are in favour of further expansion. It is striking testimony, both of the public need and of the capability of the courts to meet it, that the judges—underpaid as they are—should countenance any proposal which will mean additional work. The statistics reveal no evidence of it. In 1904 (the year before the Act came into operation) there were 8,480 sittings by judge or deputy. This works out an average of 143.8 days' work per annum per judge. In 1908 this figure had only grown to 8,817, or 154.7 per judge. So that, in spite of the fact that the Act of 1903 more than doubled the plaints over £50 (there was an immediate jump from 1,565 to 3,599), and in spite of all the other additional work put upon the courts during the past five years, county court judges generally have only found it necessary to increase their sittings by less than six days per annum. Compare these figures with those relating to the judges of the King's Bench Division. In 1907 the sittings of King's Bench judges aggregated 1,654. To this must be added 943 on circuit, or 2,597 in all. This works out at just over 173 per judge. So that on the statistics it would appear that it is the High Court judges who are overworked. But then the High Court judges are decently paid. Instead of the courts being "already blocked," the judges "overworked," and the poor man "ousted," there would seem to be an ample reserve of latent judicial energy available for divorce jurisdiction. The second of what I have termed the subsidiary objections is:—(2) That the county court judges are "out of touch with the other judges and leaders of the profession, without opportunities of discussing legal cases with them, with hardly any opportunity of hearing eminent counsel, and without, as a rule, access to an adequate library"—conditions which "are not likely to make the court prove a satisfactory tribunal for the trial of cases of legal difficulty or importance" (p. 16 of the report). This involves a reflection on the prestige of the county court bench as unmerited as it is unjustifiable. The *Law Reports* sufficiently refute it. The cases are far too frequent in which we find that the county court judge, after being reversed by the Divisional Court, has his judgment restored either by the Court of Appeal or the House of Lords. Within the last three months there have been several striking examples, not, be it observed, simple cases, but cases involving the interpretation of difficult statutes and the application of old principles to novel conditions. Take, *e.g.*, *Wing* v. *London General Omnibus Co.* (the motor 'bus "skidding" case, July, 1909); *Brook* v. *Meltham* (Rivers Pollution Act, May, 1909), and *Wade* v. *Conway* (Trade Disputes Act, July, 1909). In the first of these the Court of Appeal restored the decision of the judge of the Clerkenwell County Court, which had been reversed by the Divisional Court. In the second the Divisional Court reversed the decision of the Huddersfield County Court, but the House of Lords, confirming the Court of Appeal, restored it. Whilst in the last the decision of the judge of the South Shields County Court, which even the Court of Appeal had thought wrong, was approved and restored by the House of Lords. And this is only a three months' record. Nor should we overlook the striking evidence of the ability of county court judges to handle work of an entirely novel character furnished by the case of the *Liverpool Corporation* v. *Peter Walker & Son (Limited)* (1908). In this case the Court of Appeal, in reversing the Divisional Court and restoring the judgment of the judge of the Liverpool County Court on a reference from quarter sessions under the Licensing Act, 1904, described it as "a very able and consistent one." In the face of this unequivocal testimony from the *Law Reports* what becomes of the suggestion that the county court is "not likely to prove a satisfactory tribunal for the trial of cases of legal difficulty or importance?" Is it not time, by the way, that the appellate jurisdiction of the Divisional Court over county court judges was abolished, and all county court appeals, like Workmen's Compensation appeals, went direct to the Court of Appeal? Besides the desirability of eliminating the cost and delay of a superfluous appeal, it should be borne in mind that the decision of the Divisional Court is, in the absence of special leave, final. It is not, of course, that the Divisional Court is in any sense a weak tribunal, but appeals heard before it are too much "rushed" to enable them to be satisfactorily argued or considered. How can justice be done to ten such appeals daily? And yet that is the number ordinarily placed in the day's list. I have now covered the ground to the best of my ability. In case there be those who, notwithstanding what I have urged and their own repeated experiences, still doubt the reality of the mischief, the scathing language of one of the Lords Justices of Appeal in his considered judgment in a recent important case should be convincing: "It is the serious reproach of our existing divorce laws that the relief they grant is practically out of the reach of the working classes in this country by reason of its costliness and the absence of local courts with power to grant it." (Fletcher Moulton, L.J., in *Harriman* v. *Harriman*, February 19, 1909.) In case further there are those who, whilst acknowledging the reality of the mischief, question the propriety of the remedy, let them weigh carefully the deliberate pronouncement of the committee that, though some opposition might be expected, their proposals "indicate practically the only way in which justice can be done to great numbers of the poorer classes" (p. 26 of report). In conclusion, I would submit for the consideration of this meeting the following resolution: "(*a*) That it is the serious reproach of our existing divorce laws that, owing to the absence of local tribunals having the requisite jurisdiction, the relief those laws were intended by the Legislature to afford to all his Majesty's subjects equally is practically out of reach of the poorer classes; (*b*) That, as a means of removing that reproach, this meeting approves in principle the proposal to confer on county courts a limited jurisdiction in divorce, and requests the Council to forthwith take the matter into consideration and make such representations as may seem best calculated to forward the necessary reform."

The PRESIDENT said he had framed several resolutions. The main points of difference between the two suggestions was that divorce cases should be tried locally by the High Court and that limited jurisdiction in divorce should be given to the county courts. He had put the resolutions in the following shape:—"(1) That this meeting requests the Council to use its influence to secure the remodelling of the circuit system on the general lines suggested in Mr. Marshall's paper. (2) That the Council be requested to consider whether it is desirable to amalgamate Admiralty and commercial business. (3) That it is desirable to afford facilities for the trial of divorce cases in the provinces with a view to bringing the remedy of divorce within the reach of the poor classes. (4) That the Council be requested to consider whether it is desirable to bring about this reform (*a*) by the trial of divorce cases locally by the High Court, (*b*) by giving limited jurisdiction in divorce to the county courts."

Mr. ROBERT ELLETT (Cirencester) cordially supported the first resolution, but Mr. Marshall had left out of consideration one branch of the report of Lord Gorell's committee. What had been the misfortune for years past in regard to attempted improvements in legal procedure was that the High Court and the county courts had been treated as if they were antagonistic, and the bar most undoubtedly had killed various proposals for the increase of county court jurisdiction and the improvement of county court procedure in the belief that steps of that kind were detrimental to the High Court and, therefore, to the interests of the bar. Lord Gorell's committee certainly did not take that view. The report of the committee would show that whilst they cordially recommended those improvements in the circuit system which Mr. Marshall had formulated, they also recommended certain extensions of the county court jurisdiction and considerable improvements in county court procedure. The resolution did not cover the whole of the ground, and there were many cases which could not under any improvement of the circuit system be dealt with so cheaply and so expeditiously as they could be in the county courts, and the county courts could still deal with cases of increased jurisdiction. But, of course, those courts required the improvement of procedure for which the Council had so long struggled, and, owing mainly to the opposition of the bar, struggled hitherto to a large extent ineffectually. He hoped they would remember that there was still work ahead in endeavouring to improve the procedure of the county courts and make those courts quite capable of dealing effectually with the large number of cases which could never be brought in the High Court by reason of the expense which must be incurred. One reason why the business of the High Court had fallen off was the large increase in counsel's fees. No corresponding increase had taken place in the remuneration of solicitors. Every change that was made was made in the sense of cutting down the remuneration of solicitors, and the bar year by year were able to increase their fees. He made no complaint as to that, but when they came to consider the relative advantage to the public of different systems that was an element which could not be left out of consideration. The interests of the two branches were in going hand in hand in any improvement in procedure, both in the High Court and in county courts.

The first and third resolutions were then adopted.

The PRESIDENT suggested that the following should take the place of the remaining resolutions: "That the Council be requested to consider the best mode of carrying out this reform," and this was agreed to.

MARITIME LIENS.

Mr. SANFORD D. COLE (Bristol and Cardiff) read the following paper:—

To-day will be a red-letter day in the record of the movement for unifying maritime law throughout the world. That movement has been

going quietly on for twelve years, and to-day, on the opposite shore of the North Sea, at Brussels, there are gathered together the official representatives of the chief maritime nations to discuss four draft codes dealing with some of the principal divisions of the law. These draft codes are the outcome of the past labours of the International Maritime Committee, a voluntary association which has held conferences in various European shipping centres. That committee met again at Bremen only a few days ago, and went on with its preliminary work on some further subjects, which will doubtless be considered in due course at a later official diplomatic conference. Meanwhile, the present official conference to-day at Brussels is considering the ground-work for international legislation which the committee prepared at previous conferences. The four codes that have been fully drafted relate to collisions, salvage, limitation of liability, and mortgages and liens. There is no need to dilate on the disadvantages of the existing divergencies between different nations in the rules that regulate commerce, which tends more and more to be carried on in disregard of narrow national limits. We want, as Lord Gorell said recently, "to render uniform the whole law of the sea; to enforce the law of the sea in the same way in every country." British law holds a predominant position in the maritime world, but international uniformity will be impossible unless there are some concessions on our part as well as on the part of other nations. We are willing to modify our law on certain points in order to prepare the way for the adoption of a universal maritime code, but there is one suggested alteration where the advisability of abandoning our present position is so much open to question that I wish to mention some of the reasons for maintaining the present rule of British law. The question to which I particularly refer is connected with the proposed convention embodying a code on maritime mortgages and liens. The peculiarity of a maritime lien is that it takes priority over mortgages which are already in existence at the time when the lien arises. The lien gives a right of recourse against the ship, by way of arrest and sale, although the ship may have been mortgaged or have passed into the hands of a new owner who has bought for value without notice of the existence of the lien. Among several liens recognised by British law the one now in question is that belonging to a shipmaster in respect of disbursements made and liabilities incurred by him on account of the ship in the course of his employment. The proposal is to do away with this lien of the master. Such a step would revolutionise the course of business in the working of the tramp steamers which do a large part of our ocean carrying trade. For the supply of these steamers many million tons of coals are annually shipped from this country to foreign depôts maintained by firms of coal suppliers, and the practice is for the merchants who supply bunker coal abroad to take the shipmaster's draft in their favour on the shipowners. In this way they indirectly obtain the benefit of the master's lien, because the master makes himself personally liable, and, if there is any difficulty about obtaining payment from the shipowner, the coal suppliers sue the master, and force him to exercise his right of recourse against the ship itself in order to obtain an indemnity. Thus steamers are able to obtain coal abroad without being delayed for the purpose of security being given to a coal merchant who may not care to rely on the personal credit of the shipowner. The persons most likely to suffer under present conditions are mortgagees, who may find themselves postponed to heavy claims enforceable through the master's lien. This risk, however, is no new thing. Mortgagees have been subject to it from the days of Dr. Lushington, and it can be taken into account in fixing terms. Mortgagees are the only people interested in advocating the suggested change. Shipmasters and suppliers of necessaries to ships would be placed at a serious disadvantage by the abolition of the master's lien. The shipowners themselves, of course, would lose the trading convenience which they have at present, and their opinion, like that of commerical men in general, appears to be adverse to change. Before the outline of the position can be regarded as completely stated, however, attention must be called to another possible change, the effect of which, if made concurrently, might be to modify some of the results of depriving masters of their lien for disbursements. At present British law does not give the "necessaries man" any direct lien for the price of what he supplies. Continental law recognises such a lien, and the United States is at the present time taking steps by legislation to create a lien in favour of ship repairers and suppliers of necessaries to ships. An international code which excluded the master's lien would to some extent fill the void thus created if at the same time it made general a lien for necessaries, but the double alteration would have the effect of depriving shipmasters of a means of indemnifying themselves against liabilities which circumstances often oblige them to incur for the shipowners' benefit, and in this respect the proposal seems open to serious objection, to say nothing of the fact that they would dislocate a course of business which has not, as a rule, been productive of inconvenience or injustice, but, on the contrary, has many advantages. The position of mortgagees would not be materially improved by the double change, and on the whole the balance of argument seems distinctly against the proposals in the form in which they have taken shape. International uniformity is very desirable, but the effect of changes proposed for the purpose of bringing about uniformity requires to be most carefully considered from the various standpoints of the different interests affected, and if it appears, as it does appear in this matter, that serious injury may be inflicted in some directions, then some other way of solving the problem must be found.

Battle of the Trusts.

Mr. Pretor W. Chandler (London) read the following paper:—

After some introductory remarks, the writer said: There is no doubt that the private trust as we have hitherto known it is under an attack which, if successful, will materially alter its character, and at the same time transfer its management from our profession into other and, as we believe, less appropriate channels. The advantages of private trusts managed by private trustees as compared with trusts managed by a Government department or large corporation include the following: Economy in two ways.—(1) The private trustee does not require a lump sum by way of fee when he undertakes the trust, a percentage of income while he administers it, and another lump sum when he distributes it. (2) He knows the family and its circumstances, and so can act without formal evidence or inquisitions—he does not tend to grow into a circumlocution office. Elasticity.—Private trustees who know the family are much more likely to adapt the administration of the trust to the special circumstances of the family; this becomes important when considering the exercise of discretions of all kinds which are constantly reposed in trustees—*e.g.*, in considering what maintenance should be allowed, what advancements made, and whether in investments absolute safety is the only thing required, or whether, within the limits allowed by the terms of the trust, any and what concessions ought properly to be made in order to obtain increased income. Greater ease and freedom of communication between beneficiaries and trustees. This is obvious. The establishment of the fiduciary relationship between the private trustee and his beneficiaries. This is of the greatest importance. We all know how often the trustee—the trusted friend of the deceased father—becomes by virtue of his office the guide and counsellor of the widow or orphan beneficiary. This advantage cannot be kept up by joining a private friend or trustee with some corporation or official, as the real responsibility will inevitably be transferred to the official. The one advantage claimed on behalf of the systems now advertising themselves before the public is security, and this or the feeling of security which is called "confidence" is the one substantial weapon by means of which the advocates of the new system are attempting to carry the trusts stronghold. We are satisfied that the private trust privately administered is both publicly and privately better than the system now entering into competition with it, but in order to maintain its position the private trustee is bound to equal his competitor in this matter of confidence. . . . If we are to relieve the anxiety of the public, and retain the confidence to which, as a profession, we are entitled, we must deal with our trust business in such a way as to enable the public to see and understand for itself that the work is being properly and safely conducted. . . . What, then, are my practical suggestions? Some of my friends will long since have divined what they are. (1) Let the accounts of the trust be kept in the simplest form consistent with efficiency, and let them be always kept up to date ready for immediate production to the trustees or beneficiaries as the law requires. (2) Let the accounts of each trust be kept in a separate book, so that the persons interested may see everything that concerns them arranged consecutively between the same pair of covers. Let the book contain all necessary information concerning the trust, so that when a person interested enters our office he may be told forthwith what he wants to know with no hunting up of papers or rummaging among old books and ledgers. (3) Let all documents of title relating to the trust be kept in separate boxes in our strong rooms or at a bank. (4) Let us *force upon* our clients the knowledge that their trust affairs are in order by sending to them annually, or at other suitable intervals, a list of the securities, stating where they are kept and inviting an inspection. If there has been no change since the last report a statement to that effect is enough. Finally, let us all as far as practicable use similar systems of accounts and pursue similar procedure, so that the public may get to rely upon the protection so afforded. Leave them no room for the apprehension that, though their solicitor of to-day follows a course which commends itself to their understanding, their trustees may at some critical time be under the advice of some other office, where such safeguards are not in vogue. Of course, wherever a business forms part of the trust estate, there must be supplemental accounts of that business, kept in the usual commercial form by commercial accountants, and the resultant figures will be brought into the trust account when ascertained. The further question of periodical audits is too large for treatment here, but, at any rate, where landed estates or businesses are concerned, or transactions are numerous or complicated, an audit is most desirable if not essential. In my view very great importance attaches to the matter of uniformity—an importance which we see illustrated at every turn in the case of great successful businesses. Let the public be made familiar with the one system that they will meet with in every office, as familiar as they are to-day with the course of business of their bankers; and let our clients learn to feel confident that when calling at our offices to examine their trust-books they will find them ready made up to date in a recognised form, just in the same way as when calling at their bankers they will find their pass-books ready waiting for them. There must be no doubt whatever in the client's mind when weighing the advantages of private or public trustees that, which ever he ultimately adopts, his trust will be managed according to a business-like, systematic, and uniform method, and that whether his trustees are his private friends or some corporation aggregate or sole he will alike enjoy the security and confidence which arises from such management and method. Much of our work to-day already proceeds upon the basis of common forms. Those forms are used in every office; they have borne the test of years, during which their faults and defects have been discovered and corrected, until now we use them with every confidence that they are sound and effectual. The benefit of using such forms is twofold: first, the work is done with the nearest approach to perfection; and, secondly, the master is relieved of worrying over the details which are covered by the common form, and time and money are saved. The office works smoothly, and the client gains confidence where systematic methods are pursued. Cannot the force of this contention be seen when it is realised that (where such methods prevail) without leaving the room and simply by taking down the appropriate book

from his shelf, the practitioner can find within the covers of that same volume at a moment's notice the answer to every ordinary question which either a trustee or a beneficiary may desire to put in connection with the state or working of the trust? Imagine the saving of clerks' time which (in the absence of system) would be spent in searching for and examining deeds, books, and papers, in order to obtain the information required; imagine also the added confidence with which the questioner would quit the office.

Mr. W. ARTHUR SHARPE (London) asserted the desirability of having a recognised form of account in these matters, and moved: "That the Council be requested to take into consideration the desirability of preparing and issuing a common form of trusts account for the use of solicitors."

The VICE-PRESIDENT argued against any assumption that the public had lost confidence in solicitors. As regarded the appointment of trustees, the Public Trustee and the banks came in, not because the public had lost confidence in the profession, but because individuals were daily becoming more unwilling to accept the trouble of trusts. He knew cases where the Public Trustee had been made use of because no one in the family could be got to act. He thought the Public Trustee and banks something of a nightmare.

The PRESIDENT said there was a very strong effort on the part of insurance companies and banks to get trust business. They were advertising very largely, which, of course, as professional men, solicitors could not do. There was undoubtedly a considerable feeling of uncertainty with regard to the business, not in the nature of want of confidence, but his experience was that private trusts were not so well managed in England as in some other places—Scotland, for instance. There a minute-book was kept, and every investment or change of investment was entered, and a record kept of the trust from beginning to end. Accounts were audited and certified, and he thought that in England the methods were a little too loose, and that looseness had undoubtedly given opportunity occasionally for the man who wanted to go wrong to do so. If we could have a system such as was suggested by Mr. Chandler, he was quite certain it would benefit their clients and themselves. Most of them ought to be able to manage a trust far better than a bank or an insurance company. It was important for solicitors that they should maintain that position and keep the business.

The motion was adopted.

LAW SOCIETY CONTROL OVER SOLICITORS.

Mr. JOHN INDERMAUR (London) read the following paper:—

At the Annual Provincial Meeting of this society, held at Birmingham in September, 1908, I read a paper entitled "Solicitors and the Protection of Clients, and Compulsory Membership of the Law Society." My design was to indicate roughly a course which I thought might be taken in the interests both of clients and solicitors, and I put forward, as a preliminary step, that every solicitor should be compelled to become a member of this society. On this paper a resolution was carried to the effect that the scheme propounded was worthy of consideration, and the Council were requested to consider it and report their views at a meeting of the society. The present result is shewn in the annual report of the Council presented at the last annual meeting, which was held on the 9th of July last. The Council there say "the suggestions were based on the feasibility of compulsory membership," and the report is simply to the effect that, by a majority, they are of opinion that it is not expedient to attempt to enforce compulsory membership of the society. I confess I was disappointed at such a meagre result. To start with, however carefully the Council considered the matter, I hardly think that they complied with the spirit of the resolution come to at Birmingham by merely inserting the result at which they arrived in the annual report. I was in hopes that a special report would have been made dealing not merely with the question of compulsory membership, but also with the general scheme promulgated in the paper; and, further, that the report would have been laid before members at a general meeting, when the whole matter might have been discussed. I know that in my paper I wrote "As a first essential every solicitor must be a member of the Law Society," but I think if the Council were against that, they might still have dealt with the scheme generally, and considered whether it was in any way feasible without such compulsory membership. I think that it is very desirable that any report should be considered by members fully, and to so consider it is quite impossible at the annual meeting. I wish to here say that the great object and idea of my paper was to put forward a scheme for preventing fraud and bringing wrongdoers to account. I expressed the view then, and I express it again now, that something has got to be done in this direction. As nothing seems being done, I propose in this paper to deal with the matter again, but in a somewhat different manner. I will put forward a definite scheme for compulsory membership, and also outline such legislation as I consider would be beneficial, and go far to satisfy the public, and also improve our own position. I hope to be able to show that compulsory or automatic membership of this society is feasible, just, and right, and that whether it is or is not, it is quite feasible to devise a scheme which shall afford far greater protection to clients than is now existing. I will not, therefore, now say, as I did in my last paper, that it is a first essential that every solicitor should be a member of the society, but, instead, say that I consider, for the full efficacy of any scheme such as I propose, it is most advisable that this should be so. I will first address myself to compulsory membership. I cannot at all understand why anyone should be of opinion that it is not desirable, even if feasible, that all solicitors should necessarily be members of this society. Surely, what we want is a fully representative body; and, furthermore, it is not fair that the expense of what is done for, and enures for, the benefit of all should be borne by some only. It would of course be ridiculous to compel individuals to belong to any merely voluntary institution such as a club, but this reasoning does not apply to membership of this society. Certainly it was originally merely a voluntary combination, and not intended as more than that, but it has long outgrown its original objects. It is the legally recognised managing, and to some extent controlling, body as regards the whole of our branch of the profession. To desire to continue it only as a voluntary institution seems to me mere sentimentalism. I would venture to submit that, bearing in mind all the present functions and powers of the society, it is an anomaly that it should be a voluntary institution as to which, though all are subject to it to a certain extent, yet nearly half of the total number of solicitors on the roll have no voice in its management, and contribute nothing towards its maintenance. My view is that every solicitor should, on taking out his certificate, be necessarily, automatically, a member of the society, fully under its jurisdiction, and bound to contribute to its funds. In proceeding now to figures and details, I desire to state that, having gone into them carefully, I think they may be taken as fairly accurate in the main. I do not profess to have got the perfectly exact number of London and country solicitors and members of the society, or the exact revenue figures, for both members and figures are continually varying, but I think it will all be found substantially correct. There are now about 16,600 practising solicitors in England and Wales, of whom about 8,755 are members of this society (4,067 London members and 4,688 country members), and about 7,845 are not members. Of the total number of practising solicitors over one-third are solicitors practising in or about London—say London solicitors about 5,860 and country solicitors about 10,740, making up my total of 16,600. The annual subscriptions for members of this society are two guineas for London solicitors and one guinea for country solicitors, with half subscription during the first three years of practising. The total revenue to the society from the subscriptions of its members is now about £12,800. The society shows yearly on its general accounts a surplus of income over expenditure. In the accounts published in 1908 this surplus was £2,394, this year only £535. This after substantial payments off the mortgage debt, and providing a sum towards pensions. It is surely not too much to put down at any rate a certain average surplus of £1,000 a year after providing for everything. This shows the society to be in a flourishing state, and in nothing that I am going to propose shall I attempt to diminish this happy state of things. Naturally if all solicitors contribute to the maintenance of the society we can have a lessened subscription without any decrease of income. Having therefore before us, as matters stand now, an annual revenue of about £12,800 from the voluntary subscriptions of members, I turn to what subscription would have to be paid if all solicitors were members. Taking the number of solicitors as given above, if every London solicitor paid one guinea and every country solicitor 10s. 6d. we should get a revenue of about £11,791, or £1,009 less than at present. Then there would be a considerable saving in the collection of the subscriptions, as I will presently explain, but on the other hand there would, of course, be extra incidental expenses in sending out notices, legal literature, etc., as at present, and I think the one might be fairly set off against the other, and the revenue be put as above, at about £1,009 less. Probably on its present income the society could afford this, but perhaps it might not be altogether prudent to thus lessen revenue, and I therefore prefer to suggest that the subscription should be put at 25s. for London solicitors and 12s. 6d. for country solicitors. It will be found that, taking the numbers as already given, this would bring in £14,037 per annum, or £1,237 more than at present. The extra cost of notices, etc., on account of the greater number would, as I have already suggested, be counterbalanced by the saving in the expense of collection. The income of the society would therefore be greater, and it is as well that it should be, as giving the society greater scope for usefulness. No solicitor could very well complain that 25s. or 12s. 6d. per annum, as the case might be, would be a very serious tax upon him, and as to existing members, and those who would voluntarily be members, there would be less to be paid. I have referred to the expenses of collection and the saving that would be effected. At present applications have in many cases to be made for payment, and receipts given in all cases, there must be special accounts kept, and a good deal of extra office work over the whole matter. I suggest that when a solicitor applies for his certificate and pays, as he does now, the sum of 5s. for the Law Society's fee, he should at the same time be bound to pay the subscription, which would mean London solicitors paying on application £1 10s. instead of 5s., and country solicitors 17s. 6d. instead of 5s. All the extra expenses of collection would thus be avoided. I cannot conceive that there would be any great and serious objection on the part of solicitors to what I am proposing. Surely those not at present members would see the fairness of the idea and not begrudge the trifling extra payment, and those who are members cannot well object to paying less than before. It is a fallacy to say this is forcing solicitors to become members of a merely voluntary institution. This society is a great deal more than that now, and I submit that in common fairness all solicitors should contribute. I would also suggest that the society could on my scheme afford to give solicitors some extra advantages beyond those already possessed by members. Thus, amongst other things, any extra subscription for the luncheon rooms might be abolished, and even greater luncheon facilities afforded than at present, and access might be given to the library, not merely to solicitors but to their clerks, for the pur-

poses of reference, without any extra payment. It may be urged that strong objection would be raised to the scheme by Provincial Law Societies. I do not believe it, and certainly they would not be really injured. In the year 1900 the views of various provincial societies on this matter were taken by the Council, and I believe the majority were not against, but in favour of it. If this were so then, how much more should it be the case now, looking to the necessity of doing something to satisfy the public demands for protection, and my idea of compulsory membership is mainly as a step towards this. The subscription of 12s. 6d., which I suggest for country solicitors, is a trifling sum, and could not interfere with their joining, or continuing to belong to, their provincial societies, which unquestionably it is most important should not be in any way injuriously affected. I do not believe that the trifling payment to the Law Society would cause any withdrawals from local societies, for, of course, the local solicitors gain special advantages from them. No number of local societies can, however, take the place of one great governing and controlling body, however essential they may be, and no doubt are, to the well being of that body. To come now to legislation, my proposal is that an Act of Parliament should be passed providing that every London solicitor should on applying for his practising certificate pay beyond the sum of 5s. a further sum of 25s., and that every country solicitor on so applying should pay beyond the sum of 5s. the sum of 12s. 6d.; and that on the granting of practising certificates every solicitor should *ipso facto* become a member of the Law Society and entitled to all the benefits and privileges arising from membership. . . . First of all I should propose that any Act should, as I have already mentioned, provide that all solicitors on taking out their practising certificates should become *ipso facto* members of the society, and cease to be members if removed from the roll of solicitors, or during such time as the certificate may be withheld or suspended. Then without in any way interfering with the present disciplinary powers of the society and the court, I propose that enactments should be made to the following effect:—(1) That any person being, or having been, a client of any solicitor, may make a complaint in writing to the Council of the Law Society, through the society's secretary, to the effect that such solicitor is neglecting or not observing his duties to him, as a solicitor, either by withholding from him money he is as a client entitled to, or in any other way. A similar complaint may also be made in like manner by any three solicitors (not partners) and such complaint may also extend to, or alone refer to, any unprofessional conduct. (2) Thereupon the person or persons so complaining shall be directed to attend before the Council, or any committee formed of not less than three members of the Council, and, if a majority of the Council, or committee, are of opinion that the complaining party or parties has or have made out a *primâ facie* case, they shall summon the solicitor in question before them without the attendance of the person or persons making such complaint; and they shall enquire of him upon such matters, and require him to give them all information, and, if they deem it necessary, to give inspection of his books to them or the "official auditors" hereafter mentioned. Should the solicitor neglect to attend, an application may be made to a judge in chambers to compel his attendance. (3) That if the Council or committee are then of opinion that the person or persons complaining has or have no good cause for complaint, or that it is a matter which should not have been brought before them, they shall so inform the solicitor and the complaining party or parties, and shall take no further step in the matter. (4) That if, however, the Council, or such committee, are of opinion that there is just cause for complaint, they shall admonish the solicitor against whom such complaint is made, and give him directions how to act in the matter. If the solicitor does not conform to such directions the Council may report the matter to the court, and ask for such order as may be just and proper. (5) That if the Council, or committee, think it advisable they shall, instead of acting as mentioned in the last clause, summon the person or persons complaining and the solicitor against whom such complaint is made, to attend before them, and may hear witnesses. If they are then of opinion that there is just cause for complaint they may admonish the solicitor and give him directions as aforesaid, and direct him to pay the costs incurred, or they may, if they so think fit, report the matter to the court, when the court shall consider the matter and may remove the solicitor from the rolls, or suspend his certificate temporarily and direct him to pay the costs of the proceedings. Should the Council or committee, however, be of opinion that there is no good cause for complaint or that the matter is one in which they should not interfere, they may refuse to take any action, and may, if they think fit, order the complaining party or parties to pay the costs incurred by the solicitor. (6) That although no complaint is made as aforesaid, if at any time the majority of the members of the Council assembled at any meeting shall be of opinion from any information or knowledge in their possession, that any solicitor has neglected, or is neglecting, to observe his professional duties to a client, or has been or is being guilty of unprofessional conduct, they may summon such solicitor to attend before them, or such a committee as aforesaid, and the Council or such committee may admonish him and give him directions how to act, or they may report his conduct to the court, when the court shall have all such powers as are mentioned in clause 5. (7) That although no complaint is made as aforesaid, if the Council receive from the President and a majority of the council of any Provincial Law Society assembled at some meeting duly held, an expression of opinion that a solicitor who is or might be a member of such provincial society has acted, or is acting, as mentioned in the last clause they may also act as mentioned in such clause. (8) That the Council shall appoint a sufficient number of chartered accountants as "official auditors of the Law Society," and on any such occasion as mentioned in clauses 1, 6 and 7, they may, if they think fit, employ them, or any of them, to audit the solicitor's accounts and report to them, and if necessary application may be made to the court to compel the solicitor to submit to such audit. The expenses of any such audit shall be primarily borne and paid by the society, but the Council may if they think fit direct the solicitor or the complaining party or parties to pay such expenses. (9) That if at any time a solicitor makes a written application to the Council stating that he desires an official audit of his books and accounts, the Council shall nominate one or more of the "official auditors" to make such audit, the solicitor undertaking to pay the expenses thereof, and if required making a deposit to meet such expenses. Such auditor or auditors shall then proceed to make the audit, and shall state the result thereof to the Council, who shall then, if so required by the solicitor, and they consider the result of the audit to be satisfactory, issue a certificate to the solicitor stating that such audit has at his request been made, and the result thereof. Such solicitor shall then be entitled to inform his clients or any person making enquiry of him that his accounts have been thus audited and declared satisfactory, giving the date of such audit, but he shall not make any public advertisement or notification thereof on his notepaper or cards, or in any other manner whatever. (10) If the Council shall consider the result of any audit made under the last clause not satisfactory, they shall intimate that fact to the solicitor, and they shall then have all the powers conferred by clause 6. In addition they may direct him to submit to any further audit or audits that they may think desirable, and at such time or times as they may think fit, and if the solicitor refuses to so submit, application may be made to the court to compel him to do so and for such order as may be just. (11) Nothing herein contained shall prevent a solicitor who has once taken out his practising certificate, and who has not been struck off the roll of solicitors, or had his certificate suspended or withheld, from remaining a member of the society, although he has ceased to take out a practising certificate, provided he duly pays to the society the annual sum of 12s. 6d. if a country solicitor and 25s. if a London solicitor. It will be observed that I am not proposing to in any way interfere with the present disciplinary powers, but suggesting further powers partly of that kind and partly merely in the nature of inquiry. At the same time, however, probably it would be best to have one complete enactment dealing with the whole matter, but I do not think it is necessary for me to go into that here. I am only striving to point out what I think would be particularly useful as affording a very great amount of protection to clients. I am well aware that many objections may be raised by solicitors to some of my proposals, but I believe that on the whole they would do good. Firstly, of course, as to clauses 1 and 2 it may be said that they expose a solicitor to the risk of being worried by any cantankerous client or rival solicitor. That is an evil that solicitors are subject to now, and this would not much increase the burthen. Recollect it would mean firstly that before the solicitor is troubled at all the complaining party would have to show a *prima facie* case. With merely cantankerous clients there would generally be no *prima facie* case shown and the matter would drop. If any *prima facie* case can be made out, even on *ex parte* statements, then it appears to me that, however innocent the solicitor may be, he ought not to complain that he is called upon to attend and give explanations. If they are satisfactory there the matter would end. Clauses 6 and 7 I consider very important. It is well known that in many cases where solicitors have done wrong to clients it has been common knowledge that they were on the downward track, and those in authority at the Law Society and at provincial societies have usually special means of knowledge. The power to thus initiate inquiry seems to me to be likely to be a very valuable protection, and I do not think that those in authority either at the Law Society or any provincial society would hesitate to act if they thought there was reasonable cause for their so doing, and they had the authority of the Legislature justifying such inquiry on their part. I think necessarily in any such scheme the Council would from time to time require the assistance of professional accountants, and it seems to me therefore that there should be "official auditors" as provided in clause 8. That being so, why should they not also be used for the benefit of solicitors who desire their accounts officially audited? I have therefore suggested in clause 9 that solicitors so desiring may have their accounts audited by the "official auditors," and if such audit is satisfactory that they may claim a certificate to that effect, but at the same time I have carefully provided that no general advertisement shall be made of the fact. It appears only right that if on any audit everything should not be in order notice should be taken of that fact. Let me say again, that to make this scheme, or anything like it, thoroughly satisfactory, I consider that every solicitor should be a member of the Law Society, but if there are insuperable objections to that (though that there should be is beyond my comprehension), yet I do not see why, even without that all the powers I have mentioned might not be properly vested in the society. However, in common fairness it seems to me that all solicitors should be forced to contribute towards the maintenance of the society which has done so much in the interests of our branch of the profession, is still doing so much, and is capable, I think, of doing a great deal more.

Mr. Indermaur proposed the following resolution: "That this meeting, having considered the paper read to them entitled 'Suggestions for giving the Law Society greater control over solicitors,' request the Council to give the matters dealt with by it their further consideration, and report thereon to a meeting of the society to be held in London in April next, that the subject may then be discussed by members of the society assembled at such meeting."

BANQUET.

A banquet was held in the evening, at the Assembly Rooms, Mr. PYBUS, President of the Newcastle Law Society, taking the chair.

The CHAIRMAN, in proposing the health of the Law Society, said it was the great reformer, and if Parliament would consult the society oftener it would be better for the public.

The PRESIDENT responded, observing that their profession had to do with all classes of society scattered all over the kingdom, and it was impossible for such a profession to maintain its high standard unless they met together and conferred with their fellows. Thus their society was of great value.

Mr. C. H. MORTON (Liverpool, hon. secretary of the Associated Provincial Law Societies) proposed the toast of "The Corporation of Newcastle-upon-Tyne," the LORD MAYOR responding. Mr. R. PENNINGTON gave the toast, "The Bench and the Bar," Mr. LEVETT, K.C., returning thanks, and Mr. ELLETT submitted "The Newcastle-upon-Tyne Incorporated Law Society," Mr. F. MARSHALL (Vice-President of the Newcastle Society) returning thanks.

WEDNESDAY'S MEETING.

The discussion on Mr. Indermaur's paper was taken on Wednesday morning.

Mr. INDERMAUR moved: "That this meeting respectfully urges the Council of the Law Society to further consider the subjects of compulsory membership of this society, and the obtaining greater control over solicitors than at present exists." This would take the place of the motion in his paper, and he believed would be more satisfactory to the meeting.

Mr. J. HOPLEY PIERCE (President, North Wales Law Society) seconded the resolution.

Mr. ELLETT said the question had been before the Council in various forms ever since 1875, if not before. In 1902 it was the subject of a very elaborate report, when the provincial societies were very fully consulted. Only 11 out of 69 societies returned replies to the inquiries of the Council, and of these two were against the legislation now suggested, so that only nine replied in favour thereof. The Discipline Committee was an independent committee, appointed by the Master of the Rolls, and acting independently of the Council. It had full jurisdiction over every solicitor, whether a member of the society or not, so that full control existed so far as wrong-doing was concerned. The public would not care about questions of etiquette. He said unhesitatingly that the weapon the Council possessed was used effectually, and that the public already possessed the protection they required. Many felt that the Council did not possess sufficient power for dealing with minor matters, but there was no possibility of obtaining from Parliament such powers, for instance, as those of the Medical Act. The Council had come to the conclusion that it was not possible to compel every solicitor to become a member of the society, and that from the point of view of finance it was not feasible. They believed the voluntary system was the better for the society. In the last years 1901 to 1907 the total increase of certificates taken out was 967, and in that same period the increase of membership of the society was 941. It did not look as if the society was not becoming more and more popular with the members of the profession.

Mr. W. DOWSON said that the views expressed by Mr. Ellett were not those of the entire Council. The question was whether the profession as a whole was satisfied to leave things as they were, or whether something could not be done to endeavour to put greater control in the hands of the society. To get such control it was necessary to go to Parliament, and he urged that the society should, at any rate, ask for the necessary powers. The Act of 1888 had not been quite successful in meeting the evils which existed, and if certain hard and fast principles could be laid down as to the method of keeping accounts and dealing with clients' moneys which could be brought home to everybody entering the profession, something would be done to prevent young solicitors from slipping away, almost without knowing it, into a course of carelessness by which they might descend to fraud. The best course would be to ask Parliament to give the society power to lay down such rules and regulations as they thought necessary in respect to this.

Mr. ELLETT said, in explanation, that he quite concurred with the resolution, but he wished the meeting to know what the Council had done in the matter.

Mr. W. J. HUMFRYS said that if the resolution were confined to directing the Council to consider the question of acquiring further powers, he had no objection, but if the Council were to be considered to be pledged to make every solicitor a member of the society compulsorily he could not vote for it.

Mr. C. E. BARRY (Bristol), Mr. BUTCHER (Manchester), and Mr. SEAL (London) having spoken,

The PRESIDENT said there were two distinct matters before the meeting, professional misconduct and breaches of etiquette. Professional misconduct was dealt with as strongly as possible by means of the Discipline Committee. It must not be forgotten that solicitors were officers of the court, and the court would never, he thought, allow the society to deal with solicitors without recourse to the court. A most valuable measure was passed by which members of the Council appointed by the court could deal with questions of misconduct and report to the court, and it was a striking thing that the court almost unfailingly acted upon the report of the committee by striking off the roll, or by suspension, or by a caution or warning. The only possible question was whether the committee of the Council was active enough in bringing cases to the notice of the court. That was merely the application of the Act. Then there was the question of breaches of etiquette. At present they had a voluntary society, and members could be expelled from it for breaches of etiquette. If membership were made compulsory that one power would be lost. The Council did not oppose the resolution in any way.

The motion was rejected, twenty-seven members voting in its favour and about forty against.

THE NOTARY PUBLIC.

Mr. EDWARD BRAMLEY, M.A. (Sheffield), read the following paper:—

After an interesting outline of the history of the office of Notary Public, Mr. Bramley said: The position of notaries in this country is regulated by statutes of 1801, 1833, and 1843. Under these, as a preliminary to appointment, it is necessary to have served under articles to a notary for seven years if intending to practise in the City of London or within three miles thereof, or in other cases for five years. The same service, if his principal be also a solicitor, will qualify the clerk to become a solicitor. The court has power to dispense with any such service in favour of duly qualified solicitors, where a district is unprovided or insufficiently provided with notaries. No examination need be passed, and the only tests of fitness are this service and certificates from two practising notaries. The notary is often, though not necessarily, a solicitor, and in one capacity or the other must pay the annual certificate duty. On admission there is payable a stamp duty of £30 and fees to the Court of Faculties amounting, I understand, to about £13. If practising in London he must become a member of the Scriveners' Company (now an objectless requirement). He must still state in his application for admission what are his theological opinions. Contrast this with the position in Scotland and Ireland. In the former country, under the Law Agents Act of 1873, any law agent is entitled to be admitted a notary as a matter of right; and under the Law Agents Amendment Act of 1896, with a saving clause for existing cases, no person can be admitted a Notary Public in Scotland until enrolled as a law agent. The stamp duty there is only £20, and the fees payable on admission £6 4s. 6d. The admissions are enrolled by the Lord President and remanent Lords of Council and Session, that is to say, by the High Court of Justice in Scotland. Notarial instruments are there in constant use, in consequence of the Scotch system of registration of deeds; and notaries have many duties to perform in that connection, and in the way of attesting documents, besides those which they perform equally with their *confrères* in England. In Ireland the regulating statutes were passed in 1821 and 1870, and the power of appointing notaries is vested in the Lord Chancellor of Ireland. As a general rule he only appoints solicitors to these offices, and in many cases limits their jurisdiction to the towns or districts in which they live. No service under articles is necessary in the case of a Notary Public in Ireland, but apparently some distinction is drawn between a Notary Public and a Public Notary. The stamp on admission is £20, as in Scotland. The duties appear to be the same as those in England. In the British Colonies and Dependencies, too, apparently no special service is required for an appointment as notary. Surely the time has arrived when this survival of the domination of ecclesiastics in secular affairs should be put an end to, as were the exclusive rights of the proctors (who occupied a similar position) under the Probate Act of 1857. The English courts long ago so pruned away the privileges of notaries that were it not for transactions abroad there would be no need for their existence. There seems no understandable reason, except the slowness with which we move in this country, and the extreme deference we pay to vested interests, why this relic of the old link between the Church and the law, this "close borough," should not have disappeared before the last century closed. One solicitor, because his principal was a notary, is entitled to be admitted as such. Another, equally qualified, whose principal was not, is not so entitled; yet a man not a solicitor, of no particular training or standing, who has passed no examinations, but has simply served under articles to a notary, may become one. Commissioners for oaths could easily qualify themselves to perform all the duties of the office; and it seems to me that the only reason against empowering all of them to do so is that foreign countries pay special deference to notarial acts, whilst not recognising commissioners. I would suggest that, either by a special Act, or, if another Solicitors Act were likely to be soon passed, by provisions in that, it should be enacted that the jurisdiction of the Archbishop, exercised through the Court of Faculties, be transferred to the Lord Chancellor acting through the Law Society; and that all commissioners for oaths be entitled to style themselves and act as notaries, either by the fact of their appointment of commissioners or by their applying specially and paying an extra stamp duty. In the former case the stamp duty on the appointment of a commissioner would, no doubt, in deference to the wishes of the Chancellor of the Exchequer, have to be somewhat increased. The amount now received by the Revenue on notarial appointments must be very small, and under the altered system a greater sum would no doubt be received, even if the special stamp duty were reduced to as low a sum as £10. If thought desirable the appointment could be confined to commissioners of six (or more) years' standing, or the numbers in some other way restricted. I am not unmindful of the fact that existing notaries, besides paying a sum of over £40 before being admitted as such, have in many cases paid large special premiums for the privilege of being articled to notaries, and that many of them derive a considerable portion and possibly a few the whole, of their income from the fees they earn by virtue of their office. Special consideration must, of course, be given to this. On the lines of a precedent set by a Bill recently before Parliament, which provided for "a time limit," the coming into operation of the Act could be postponed for a period, which would enable notaries and their present

articled clerks to reap individual harvests before the labourers became so many; or, preferably, the precedent in the case of proctors could be followed, ensuring to notaries annuities for life equal to half their average yearly net profits. The Treasury would, no doubt, find that the additional sums received from the numerous admissions which would take place, even if the stamp duty were reduced, adequately supplied the necessary compensation. The Master of the Court of Faculties (who is also the judge of the Prerogative Courts of Canterbury and York) and his subordinate officials would require some slight consideration, on account of the loss of the very trifling sum annually paid in the shape of fees on admission. The Law Society might be directed to pay any compensation due to the master and officials out of the fees payable to the society's registrar on admission as a notary; these, even if considerably less than the existing ones, should be amply sufficient to defray this, besides clerical expenses. I am aware that from time to time the Council have had the position of notaries under consideration, and that they prepared a Bill for introduction into Parliament in 1884. The solution presented by this Bill was that, with a saving for the rights of existing notaries, no one should be admitted as a notary without passing an examination to be conducted under the auspices of the Law Society; and it was suggested that this examination would probably include Latin and one or two modern languages, and Admiralty and Commercial Law. No one was to sit for that examination unless he was either admitted or qualified to be admitted as a solicitor, or had served under articles to a notary for five years. It was further proposed by the Bill that the jurisdiction of the Archbishop of Canterbury and the Court of Faculties should be transferred to the Master of the Rolls. The Bill was introduced, but was thrown out on the second reading. It was opposed by the Scriveners Company and the London notaries. Personally I see no need for the existence of notaries as a body apart from solicitors, and for a separate examination for them. All of us, before we can qualify, attain as much proficiency in languages and Admiralty and Commercial Law as could reasonably be required of intending notaries; and I think a Bill introduced on the lines I have suggested in a Parliament more democratic than that of twenty years ago should have good prospects of success. The Council, in the Memorandum to their Bill, themselves admitted this; for they say: "No ground in fact exists for the distinction between solicitors and notaries." No doubt it would be necessary to satisfy the reasonable requirements of the Scriveners Company, the Society of Public Notaries in London, and the Provincial Notaries Society. However, it is hardly for me to go into more details in this paper; but it seems to me the subject should be considered by the present Council, who are in a far better position to ascertain all necessary facts, and go fully into the question, than I am. I therefore beg to move: "That it be a recommendation to the Council to take such steps as they deem advisable with a view to making it possible for all solicitors, and impossible for anyone but solicitors, to become public notaries."

Mr. F. L. HARROP (Rotherham) seconded the motion.

Mr. DENDY (Newcastle), Mr. P. E. MATHER (Newcastle), and others having spoken,

The PRESIDENT put the resolution, which was negatived.

DANGER OF THE FEEBLE-MINDED.

Mr. H. F. BROWN, LL.B., read a paper, which we hope to print next week.

The PRESIDENT regretted that time would not permit a full discussion of this very valuable and interesting paper, for which they were greatly indebted to Mr. Brown, who had prepared it at his (the President's) personal request

REFORMS OF LUNACY JURISDICTION.

Mr. C. D. MEDLEY, B.A. (London), read the following paper:—

After referring to the history and exercise of the jurisdiction in lunacy, Mr. MEDLEY continued: In order to appreciate the extensions now suggested in the jurisdiction it is necessary to state concisely what are its present limits. In general terms there are two classes of persons at present dealt with: first, those who have been actually found lunatic by inquisition, and secondly, persons over whose property the judge has administrative powers although they have not been found lunatic by inquisition. This second class again divides into categories: first, those who have in fact been found to be lunatic or of unsound mind by a judicial authority though not by inquisition, consisting of (*a*) persons lawfully detained as lunatics, (*b*) persons whose unsoundness of mind and incapacity to manage their affairs has been certified by the master or the Commissioners in Lunacy, or otherwise established to the satisfaction of the judge in lunacy, and whose property does not exceed a small limit, and (*c*) criminal lunatics; and secondly (the one class of persons who are not in some form or other found lunatic by judicial or quasi-judicial authority), persons with regard to whom it is proved that they are through mental infirmity arising from disease or age incapable of managing their affairs. Now, undoubtedly the powers given by the 116th section of the Lunacy Act, 1890, in respect of the estate of persons not found lunatic by inquisition have been extremely successful, and form a most valuable branch of the jurisdiction, but in many cases even now an inquisition is clearly the right course, though that this is not always fully realised is shewn, I think, by the dwindling number of inquisitions held. The effect of a finding by inquisition is to alter the status of the patient. He cannot contract a valid marriage, execute a valid deed, or enter into a binding contract, and, generally speaking (although he can apparently execute a valid will during a lucid interval), he suffers from a continuing personal incapacity in the eyes of the law, and cannot effect any act in the law for himself. In addition, the Court has complete control over his person and method of life. As regards persons not so found, even although their affairs are being administered by the judge, they suffer from no such direct personal incapacity. They may marry, contract, and act as testators subject to the ordinary rules as to capacity in each case, and in the case of contract as to the knowledge of the other contracting party. It is plain that there will be many cases in which on these grounds serious risks may be run by proceeding without an inquisition. But, in addition, the alteration in status is very important as regards international law. The formal finding of lunacy upon inquisition is understood the world over and recognised by the courts of all civilised countries. In these other countries subsidiary proceedings for dealing with the foreign property of the lunatic may be taken founded upon the finding in this country, and such finding will be recognised and acted upon. A proceeding to administer under section 116 without such a finding is a mere domestic proceeding peculiar to this country and, with few exceptions, will not be recognised by foreign courts as sufficient to found subsidiary proceedings before them. Especially is this the case with proceedings under sub-section (*d*), "persons through mental infirmity arising from disease or age, incapable of managing their affairs." There is no suggestion of lunacy here and the word nowhere appears, not even in the heading of the orders, etc. At the present time when all classes of people are widely interested in foreign investments it is very important to bear this in mind. Perhaps the commonest case to be provided for is that of securities registered in the United States of America, where in many cases express provision is made by the State laws for the recognition of a finding in a foreign State of lunacy by inquisition. There is one other point I wish to draw attention to in the existing jurisdiction. A very liberal interpretation has of recent years been given to sub-section (*d*) of section 116 of the Lunacy Act, 1890, referring to old age and disease; so wide an interpretation indeed as to cover many classes of cases which can hardly, I think, have been within the contemplation of the Legislature when the sub-section was passed. The sub-section as it stands has undoubtedly met a strong public need, and its working has been so helpful in those cases falling strictly within it as to result in its being invoked and applied to a number of other cases which may certainly be considered as on the border line. It is interesting to notice that whereas courts of wide and general jurisdiction are inclined to limit rather than extend their powers, courts created for special purposes and with limited jurisdictions will generally be found to strive consciously or otherwise to extend their boundaries to the increase of their power and importance. Certainly since the constitution of one supreme court in this country it has tended to take a somewhat conservative view of its jurisdiction, whereas instances will occur to all of us of cases of special and limited courts which are always tending to extend and amplify their powers. Now for the recommendations and suggestions of the Royal Commission. They are extremely numerous and complicated, and it will be understood that I shall refer to those only which directly bear upon our branch of the subject. First, then, they recommend that the statutory use of the word "lunatic" be discontinued and the term "mentally defective" be substituted. This suggestion is of course made to obviate what is referred to as the "stigma" of lunacy, and with the object in view we shall all sympathise. We have probably all had cases in which the use of the word has proved a great stumbling-block in the way of taking the most necessary and even urgent proceedings. Whilst, however, everyone will desire that the word "lunatic" should not be used in the vast majority of cases, it does not appear to me to be quite clear that it is desirable to absolutely abolish it in all. I am thinking again of cases where it may be necessary to take proceedings in foreign countries. The word in question is legally understood in all civilised courts, whereas if a person is merely found to be mentally defective it may, and probably will, be necessary to prove to the foreign court in each case that the mental defect in question amounts to lunacy according to the law which that court administers, with the result that details of evidence will have to be gone into which at present can be avoided. However, this is a technical difficulty which could probably be got over by the finding upon an inquisition being framed in suitable language. The Commissioners then recommend that the classes of persons to be subject to the jurisdiction as "mentally defective" and capable of being so found by inquisition shall consist not only of idiots, lunatics and imbeciles who can alone be found so by inquisition under the present law, but in addition the following:—(1) Persons who through mental infirmity arising from age or from the decay of their faculties are incapable of managing themselves or their affairs. This is the class of persons in all probability originally alone contemplated by the present section 116, sub-section (*d*), and whose present position is that, whilst their affairs can be administered under that sub-section, they cannot be found lunatic on inquisition unless their mental infirmity amounts to lunacy within the limits of the law as now existing. In future it is proposed that these persons should be capable of being dealt with not only under section 116 or whatever similar section may take its place, but should also be liable to inquisition if desired. (2) ***Feeble-minded***—i.e., *persons who may be capable of earning a living under favourable circumstances, but who are incapable from mental defect existing from birth or from an early age* (a) *of competing on equal terms with their normal fellows, or* (b) *of managing themselves and their affairs with ordinary prudence.* This definition was suggested by the Royal College of Physicians, and the Commissioners state that they assume it includes the "prodigal" and the "facile." Apart from

questions of the reform of procedure, this is, I think, for our profession by far the most important suggestion of reform made by the Commissioners, as it appears intended to very widely extend the existing jurisdiction so as to cover a class whose liberty to dispose of person and property has never before been interfered with. I cannot think it a satisfactory definition from the legal standpoint, nor do I think it will be found in practice to include the "prodigal" and the "facile." In the first place it attempts too much in trying by one definition to cover persons unable to manage themselves and their affairs with ordinary prudence, presumably the prodigals, and at the same time those feeble-minded persons among the poorer classes who, as one witness put it, are the last to be taken on during increasing trade and the first to be discharged when trade declines, who drift on the verge of the poor law at all times, are constantly unemployed, and finally, if they live, become permanent inmates of the workhouse. Further, it will be noticed that in both cases the incapacity must arise from "mental defect," and this "mental defect" can only, I think, be established to the satisfaction of a jury by proof of facts showing one of the two kinds of incapacity referred to. In other words, the proof of the "mental defect" and the proof of incapacity to compete on equal terms or to manage himself and his affairs with ordinary prudence are substantially one and the same. That the Commissioners themselves intend this would seem to be shown by the assumption that the "prodigal" and the "facile" are included in their definition. I am unable to understand, if this view be correct, precisely what effect the jury are to give to the words "mental defect." If, on the other hand, the jury have to find on account of those words that, to use a common phrase, the man is "not right in his head," then I think that the assumption that the "prodigal" and the "facile" are included will turn out to be ill-founded, as juries will certainly hesitate very long before they find that acts of prodigality or imprudence committed by persons, often of shrewd intellectual powers, who may not by any means cut a foolish figure in the witness-box, are in themselves proof of "mental defect" in any such sense as that last suggested. I think that the jury, when pressed as they will be in "prodigal cases" by able advocates, will give full effect to the words "incapable from mental defect," and that it will be almost impossible in contested cases to obtain a verdict against the prodigal, who will consequently go unprotected as before. Moreover, the fact that a successful appeal to a jury against a prodigal will result in his being labelled as "mentally defective" will certainly militate with his relations against taking any such proceedings. The attempt to cover the "prodigal" was made largely as the result of the evidence given before the Commission by our then President and two well-known members of the Council of this Society showing the difficulty of dealing with such persons under the existing law, and suggesting that some means should be adopted to meet the defect. Very interesting evidence was given as to the French system of *Conseil de famille* and the Jersey system of *Curatelle* for protecting the spendthrift, both of which systems work well in the countries of their origin. Both, however, as Mr. C. M. Barker pointed out in his evidence, depend to a not inconsiderable extent upon the limited power of disposition of property by will given by the local law, resulting in the next-of-kin possessing a vested interest in the protection of the spendthrift's estate, and, so far as successful working in Jersey is concerned, it is to some extent due to the smallness of the island. Probably neither of these systems could be grafted successfully upon our English methods, but it is certainly well worth consideration whether some other more congenial means of attaining the same end could not be devised. In my opinion, however, it will be a mistake to attempt to do it in any way in connection with lunacy or, as I suppose it is to be termed, "mental defect." If it is to be done at all it should be by entirely independent legislation directed to the precise point. The jurisdiction should be exercisable, without reference to any mental question, simply on proof of facts showing wild and foolish or wicked extravagance, and should cover all prodigals, not merely those to whom a jury may be prepared to attribute a mental defect. The whole subject is one of extreme difficulty, and before legislation should be fully considered by separate enquiry. The Royal Commission did not, I think, give sufficient consideration to this question, nor was the evidence before them sufficiently varied and detailed to enable them to frame a conclusion on a matter of such importance. The remaining categories of persons to be subject to the jurisdiction do not add much from the legal point of view. They consist of epileptics, inebriates, and deaf and dumb or blind persons; in each case, if they are also "mentally defective." Speaking generally of the categories suggested by the Commission they appear to me, however advantageous from the scientific standpoint, to be somewhat unsatisfactory for legal purposes. It will be observed that in every case there must be either mental defect or mental infirmity, and for the purpose of founding jurisdiction it would perhaps be better to legislate in general terms, making the jurisdiction applicable to all persons suffering from mental defect or infirmity, including the several categories mentioned merely by way of description. The splitting up of the persons to be affected by legislation into a number of distinct classes often leads to unnecessary difficulty in attempting to ascertain whether a particular case falls within the defined categories, and sometimes results in failure to obtain relief in cases to which the statute ought in reason and was probably intended to apply. For the exercise of this extended jurisdiction the Commissioners recommend some very considerable reforms in procedure. Put shortly, they would abolish the Masters in Lunacy with their separate department, and transfer all the administrative and legal work to the Chancery Division, except as regards inquisitions, which, when without a jury, would be tried before a legal member of the Lunacy Commission with medical assessors, but which, when a jury is required, would be dealt with by means of an issue before a judge of the King's Bench. As regards this last point, the judge in lunacy has already a discretion wherever an inquisition before a jury is ordered, to direct an issue to be tried in the High Court, so that the effect of the recommendation will be to make compulsory what is now discretionary. As regards the other reforms of procedure I should like to point out that although substantially all the administrative work in lunacy is carried out in the masters' chambers by solicitors, who are the only body of professional men having any detailed knowledge of the manner in which the work is done, whether satisfactorily or otherwise, yet with the exception of our President, who gave evidence rather in his character as official solicitor than as an ordinary practitioner, not a single member of our profession gave or, so far as I know, was asked to give any evidence upon the matter at all, and although our then President and two members of the Council attended before the Commission, they were not asked a single question in regard to procedure. It seems to me very unsatisfactory that a sweeping reform of this kind should be recommended without any attempt having been made to ascertain from those who regularly practise in the department proposed to be abolished, whether they are satisfied or not with the way in which it does its business, what faults they have to find, and what remedies to suggest, and whether they consider the particular reforms proposed will improve the position or not. In this case the suggested reforms are founded in substance on the evidence of one witness, that witness certainly being a very distinguished judge having an unsurpassed knowledge of Chancery practice and procedure, but who very naturally viewed the matter from the standpoint of the Bench; whilst the views of those humbler persons who have to do the actual work of administration, and through them of those members of the public who are their clients, were never placed before the Commission at all save through the mouth of the official solicitor, who, as it happened, took an entirely different view from the Master of the Rolls. I do not propose to go at length into a technical discussion as to procedure, but the suggested change involves some considerations of general importance. In the first place the Lunacy Department, with the assistance of the Lord Chancellor's visitors, has always exercised a personal supervision over its patients of a kind not practised in the Chancery Division, even in the somewhat analogous case of infants. All inquisition cases are regularly visited and reported on as a matter of course, and other cases by request of the masters, with the result that the control of the department over the management and care of the patients is far more effectual and far more minute than anything known in Chancery. Now in giving evidence before the Commission as to the ability of the Chancery Division to deal with the lunacy work, both the late Mr. Justice Kekewich and the Chancery Masters made it clear that when they said the work could be done they meant done in the same way as the Chancery work is now done, and not otherwise. The traditions of the two departments on this point are very different, and in practice the Chancery tradition will after a transfer no doubt prevail, more especially if effect be given to the suggestion that the Lord Chancellor's visitors should be amalgamated with the Lunacy Commissioners, a change which must also, I think, result in a less detailed supervision of the lunacy patients than now exists. Moreover, in this connection the Lunacy Department has always carried on a considerable direct correspondence with committees and receivers, which I hardly think the Chancery Masters would have time to attend to. Secondly, the Lunacy Department has been essentially a private department, and the affairs of the unfortunate patients were, and are, very successfully kept from any public knowledge, a most desirable and important point to bear in mind, and which will certainly not be less important if the jurisdiction is extended, as the Commissioners anticipate, to the "prodigal" and the "facile." All proceedings are originated by a document or instrument sealed and issued in the department, all affidavits are lodged in the department, all orders are completed and filed there, and every document at any time brought into existence during the proceedings is kept there, and there alone. No person whatsoever not engaged in the proceedings has any right of inspection of any document, order, affidavit, or anything else. The Chancery Division, on the other hand, is a division of a court of record. Proceedings are initiated by a document under the seal of the Central Office, all affidavits must be filed at the Central Office, all orders made are entered in the registrar's office, and the records so obtained are open to inspection. This is a very serious and important distinction, having regard to the intimate nature of the evidence to be given and the directions obtained in lunacy cases. Thirdly, at present the whole case is dealt with in one department from beginning to end, and one clerk, who is present when the summons is heard, subsequently prepares and settles the order and deals generally with the case throughout all its future developments. Frequent reference can be and is made to him in matters of current administration whereby informal directions can be obtained and the expense of special summonses avoided. This is a very great convenience in confidential business as well as a substantial saving of expense. In the Chancery Division the business will in ordinary course pass through the hands of some five or six different people, and in particular the orders will be drawn in the Registrar's Department quite independently of the department of the master in which the order is made. On the other hand, the present organisation of the Lunacy Department cannot be described as above criticism. The fact that the masters are entirely independent of each other, and in practice of everyone else, has led in the past, and might again in the future, to regrettable divergencies of practice within the limits of the one department; the arrangements

for doing work in vacations are still very defective and unsatisfactory; and the department is often over technical upon small and unimportant details. In particular the work as to vesting orders is so arranged that it is certainly no exaggeration to say that twice as much time and trouble has to be expended in getting an order of this kind from the Lunacy Department as in getting one from the Chancery Division. Finally, the taxing arrangements are very unsatisfactory; that part of the department is understaffed, and there is no efficient appeal from any decision of the official who does the work. The Masters in Lunacy have necessarily no experience in questions of costs, and to bring such questions before them is, in my opinion, unsatisfactory both to them and to the solicitor. I may add, however, that I feel no doubt that a transfer to the Chancery Division will increase the costs as a whole. My conclusion is, that it would be a mistake if the Lunacy Department were broken up. The great body of administrative work is done with efficiency and despatch by a competent and obliging staff. So far as the work of making vesting orders is concerned, I think that might well be transferred to the Chancery Division, where, I believe, the work would be in every way better done, but I do not think anything would be gained by transferring the regular administrative business. The department has, after some vicissitudes, been brought to a state of considerable efficiency, and it would be unfortunate if the advantages gained by experience should be thrown away. Further, even assuming that some such transfer as suggested is to be effected, it would seem better if, instead of a simple transfer to the Chancery Division, the sign manual were granted to the Chancery judges individually. It would then be possible to meet, perhaps, the majority of the objections to change and yet attain the objects in view in the suggested reform, as the existing Lunacy Department could be preserved (with, say, one master subordinate to the judge) and worked on somewhat the same lines as the Companies Winding-up Department is now, the work being similarly allotted to two linked Chancery judges. Objection has been taken to an allotment of the lunacy work to particular Chancery judges on the ground of interfering with existing Chancery arrangements, but it may be pointed out that the Liverpool and Manchester Chancery work, the company work and a substantial portion of the patent work is already so allocated, and it is not easy to see why there should be any great difficulty in similarly dealing with the lunacy work. There are many other points of great importance and interest in the report of and evidence before the Commissioners, especially with regard to the duties of the Lunacy Commission and the Lord Chancellor's visitors, which time does not permit to be noticed. It is evident that substantial reforms both of the law and the procedure are close upon us, and I have drawn attention to some of these matters in the hope that our profession will take its due share in the discussion and formulating of those reforms, affecting closely as they will the lives and fortunes of a very large number of our clients and their relatives.

Mr. MARSHALL (Newcastle) suggested that jurisdiction should be given to county courts to deal with the assets of lunatics, at any rate, up to £500, so that they might make orders for administration.

THE LAW OF TRUSTS.

Mr. W. G. HART, LL.D. (London), read a paper, in which he said:—

The form in which these statutes have codified the law with which they deal is to reproduce as exactly as possible the existing law save in respect of a few matters of an uncontroversial character in which amendment was feasible without raising opposition; and the success which has attended them seems to have disposed, by the test of practical experience, of the arguments advanced against the system so far as they are applicable to codification of this kind, and to give ground for thinking that it might be advantageously extended to other branches of our system. It was with this view that the Bill to codify the law relating to private trusts and trustees, which has been recently considered by the House of Commons, was framed. The importance of this branch of the law to both lawyer and layman need not be insisted upon. "There is no subject which occupies our attention more or fills a larger place in our daily business than the administration of trusts," as a former president of this society said in his address to the Annual Provincial Meeting at Liverpool fourteen years ago. In proof of it, it is sufficient to refer to the Report of the Select Committee of the House of Commons appointed in 1895 to ascertain whether further legislative enactment might be made for securing the adequate administration of private trusts. The Committee estimated that no less than a twentieth part of the whole capitalised value of property, real and personal, comprising the wealth of the United Kingdom, was held on trust. Taking the capitalised value of that property as then estimated by the Treasury to be between nine and ten thousand million pounds—and the figures have certainly not decreased in the interval—this gives a sum of nearly five hundred millions sterling held upon trust. Whether these figures are accurate or not, there is no doubt that thousands of people in this country are at the present moment trustees, still larger numbers are beneficiaries; almost everyone who has any property at all is at some time of his or her life concerned in the one capacity or the other with this branch of the law. It is a branch of the law, too, which is now for the most part settled, and having regard to modern amendments seems in substance satisfactory enough, but in the form of its expression, like so many other branches of the English law, it is of the most chaotic description. Slowly evolved generation by generation, its principles and rules lie embedded in countless reported decisions of the courts, from the time of the year books to the present, the effect of which has from time to time been modified, amended and extended by a large number of Acts of Parliament passed chiefly during the last seventy years. The latest edition of the leading text-book on the subject covers 1,248 closely printed pages of text and contains references, at an estimate, to over 8,000 decided cases. It was thought that to reduce this mass of law to the moderate compass of a code of a little over 100 sections would prove of value to both lawyer and layman. The Bill, after having been submitted to several distinguished Chancery lawyers, was introduced in the House of Commons by Mr. Athelstan Rendall in 1907, but no opportunity occurred for proceeding with it that year. It was, however, re-introduced in the following session, and was read a second time on the 11th of March, 1908, and referred to a Select Committee consisting of Mr. W. Phipson Beale, K.C. (Chairman), Mr. Clancy, K.C., Mr. Cave, K.C., Dr. Hazel, Mr. J. W. Hills, Mr. Micklem, K.C., Mr. John O'Connor, Mr. G. H. Radford, Mr. Rendall, Mr. Stewart Smith, K.C., and Mr. Clavell Salter, K.C. The committee devoted much time and labour to the examination of the clauses of the Bill and the authorities on which they were founded, Mr. Beale in particular taking an infinity of pains in applying his vast experience and wide learning to the details of the clauses. The committee made a special report in July, 1908, to which was added an appendix containing certain provisional amendments to the Bill upon which they desired the criticism of legal experts and practitioners before finally deciding upon amendments or reporting the Bill as amended, and requested the Attorney-General to obtain criticisms thereon accordingly. In response to the invitation issued by the Attorney-General replies were received from numerous legal authorities and distinguished lawyers. Some of these replies were wholly favourable to the principle of codification while containing criticisms of various details; on the other hand, there were some which were wholly opposed to the attempt to codify the law at all. Among the favourable replies was one from an ex-Lord Justice of the Court of Appeal, and one of the most distinguished equity lawyers we have; another from a well-known Chancery King's Counsel, who wrote that "the codification appears admirably done, and would be most valuable to members of the profession and others"; while the Council of the Law Society recorded their opinion that "a codification of the law of trusts is desirable, and would be a great convenience to the profession as a whole as providing them with an authoritative text-book for reference in their daily practice," and others. It is not necessary to refer to them further nor to the criticisms of detail, many of which were extremely valuable, but a word may be said in regard to some of the adverse criticisms. A distinguished judge of the Chancery Division wrote: "I strongly deprecate any such attempt as the present to codify the law of trusts. I fail to see any necessity for it, and I believe that the result of an Act of that nature would seriously hamper the administration of justice." With the greatest possible respect to so eminent an authority it may be pointed out that the codes we already have do not seem to have hampered the administration of justice at all. On the contrary, Sir Mackenzie Chalmers testifies in regard to the Bills of Exchange Act, 1882, that "merchants and bankers say it is a great convenience to them to have the whole of the general principles of the law of bills, notes, and cheques contained in a single Act of a hundred sections." Another eminent judge expressed the opinion that if the Bill became law the administration of justice in the Chancery Division would be seriously interfered with, adding that "it appears obvious that equity, which to a very large extent owes its origin to exceptions from common law rules of universal application, is that branch of law which is least susceptible of codification, or, in other words, of being itself reduced to a series of rules of universal application." Much the same point was taken by a distinguished Chancery counsel who is himself the author of an excellent text-book on the law of trusts, and who wrote that the Bill was entirely misconceived in principle, and that "to crystallise equity (the very nature of which is to modify legal rights in particular cases where they would cause injustice and necessarily implies large judicial discretion) seems to me a negation of its first principles." It is respectfully submitted that the Partnership Act, 1890, proves these criticisms unfounded. The law of partnership is very largely the creation of equity. The Act has been in operation nearly twenty years, and it does not seem to have interfered with the administration of justice in the Chancery Division. On the contrary, it appears to have proved itself a great convenience to all concerned. This objection to codification is, in fact, of the same character as that so frequently urged by its opponents, and, indeed, put forward in slightly varying language by several other critics of the Trusts Bill, namely, that a code lacks the flexibility of uncodified law and stifles development. This has always been the main contention of those opposed to codification from Savigny to the present time, but it seems to be sufficiently answered by the test of experience. The growth of law does not appear to have been stifled in those countries which have codes, and Savigny's own country years ago framed and passed into law the completest and most scientific series of codes that have ever been promulgated. No country that has codified its law has ever indicated the slightest desire to revert to the uncodified system. One cannot here discuss the matter further, but it may be added that in consequence of the adverse opinions the majority of the Select Committee came to the conclusion that it was impossible to proceed with the Bill, but recommend that in the next or subsequent session a Bill should be introduced for consolidating and codifying such parts of the law of trusts as are the subject of statute laws, or are as firmly established by judicial decisions as the propositions and rules of trust law and administration which have already been embodied in statute law. A Bill in the modified form recommended has been intro-

duced in the present session, but up to the present time no further progress has been made.

There the matter rests, but whether anything results or not, the attempt was worth making. Codification is the most pressing of all the law reforms which confront this generation. The substance of our law, as has often been remarked, is on the whole good enough, but its form is deplorable; it is indeed utterly formless, and the only cure for its chaotic condition is codification.

Mr. S. GARRETT (London) objected to throwing the whole law of trusts into the melting-pot and turning it into a cast-iron Act of Parliament. The law of trusts was entirely unfitted for codification. It was expanding. Let it go on and grow.

The PRESIDENT said he was not in agreement with Mr. Garrett. The last annual report stated that the matter had been very carefully considered by a committee, of which Mr. Garrett was a member, and much the same observations had been made as they had heard to-day.

LEGAL ASPECT OF THE FINANCE BILL.

Mr. J. H. COOKE (Winsford, Cheshire) read a paper on this subject:

The first part of this careful and elaborate paper is too lengthy to be reproduced this week, but in his summary Mr. COOKE said: Summarising the provisions of Part I. of the Bill, I am afraid I am bound to say that they are not at all well drawn. Of course the proposals of the Bill are, as I said at the commencement of my paper, absolutely novel and without precedent. This affords some excuse. The lines on which the Bill is drafted have not been adopted in any other country. The amendments which have been made during the progress of the Bill through the House are very considerable, and, in some instances, conflict with the original drafting of the Bill. Take, for instance, what seems to me to be one important mistake. You will remember the increment value duty becomes payable on the occasion of a transfer on sale of the "fee simple" of the land. The definition of "fee simple" in the definition clause is as follows: "The expression 'fee simple' means the fee simple in possession, *not subject to any lease*, but does not include an undivided share in a fee simple in possession." The definition of the word "lease" is as follows: "The expression 'lease' includes an underlease and an agreement for a lease, but does not include a term of years created solely for the purpose of securing money until the term becomes vested in some person, free from any equity of redemption." As a rule you will find very few fee simple estates in possession not subject to any lease. If my construction is right, increment value duty, although intended to be paid on every transfer on sale of the fee simple, will very seldom be payable, because of the existence of a lease, which according to the definition of "lease" need not be for any particular number of years. If this construction be correct, the whole of the increment value duty can apparently be avoided by granting a lease for two or three years, and then on a sale of the fee simple increment value duty is, according to those two definitions, not payable. This, of course, is not intended, and yet it shows how "definitions" may alter the whole substance of a Bill. From a very careful study of the Bill, I cannot arrive at any other conclusion than that most of the provisions of the Bill are absolutely unworkable in practice. My first impression was that after the first valuation had been made and completed (estimated to take at least twelve years) the Bill might work with some little difficulty, but when I discovered that this first valuation only fixes the site value on the 30th of April last and that another valuation must be made on the occasion of each sale to find out *the then site value* so as to ascertain if there is any increment, I gave up all hope of completing any sale under at least a month, and even then at considerably increased cost. If our clients are to pay these duties, let them be based on the perfectly fair and workable system in force in Germany, and no one could complain except those who had to pay the increased duty. Assuming, however, that such a change cannot now be made, I have ventured to append a few suggestions which would effect some improvement in the practical working of the present proposals.

And he made the following suggestions:

1. Abandon the stamping of all conveyances, transfers, and leases for the purpose of the duties payable under the Act.

2. Abandon the clause which makes increment value duty a charge upon the land transferred.

The duties in Germany and elsewhere are not a charge upon the land, nor has their payment to be denoted by a stamp duty upon the deed of transfer. The vendor is personally liable.

3. In any event, suspend the question of so stamping documents and the charge upon the land for at least twelve years, until the Commissioners' valuations are complete. If this course is not adopted, every conveyance and lease completed immediately after the passing of the Act will require to be stamped with a stamp denoting the payment of duty, or that no duty is payable. There cannot be any loss to the Treasury by adopting this course, as there cannot well be any increment value duty accruing between so short a period as the passing of the Act and the succeeding day, or even a moderate number of succeeding years. At any rate, until the Commissioners' valuations fixing the original site value have become operative, there will be great delay in getting a special assessment of original site values in respect of each particular transfer or lease.

4. In the "provisional valuation" the Commissioners should be required to give details showing how they arrive at their valuation. An owner who is assessed ought to have more than lump figures given to him. He ought to be informed what deductions have been allowed; otherwise he does not know whether an appeal may or may not be successful. When an owner objects to the provisional valuation he is bound to give the Commissioners the grounds of his objection. Conversely, the Commissioners should give the owners the basis of their assessment. In connection with this valuation, it is well that owners should remember that with regard to increment value duty it will be advisable to see that the Commissioners do not fix *too low* a figure. The owner's policy will be to have a high figure fixed, otherwise when he comes to sell at a stiff figure, much above the assessment fixed by the Commissioners, he will have to pay so much more increment value duty.

5. Loss of interest accumulating on the value of undeveloped land ought to be allowed for. If a person gives £1,000 for building land and only receives a nominal rent during the five or ten years he has to keep it to get his price back, the increment value duty should not be assessed on any increment value over and above the £1,000 he paid for it. It should be assessed on that sum, plus the interest which he has lost during those five or ten years. If he has to sell at a loss to save the annual payment of undeveloped land duty the State loses increment value duty, whereas if he keeps it in hand and makes a profit the State gets a share.

6. If part of an estate is sold at a less figure than the Commissioners' valuation, and another part is sold at a higher figure, the loss and profit should be adjusted so that the person assessed pays upon the net profit, and not simply upon the profitable part without taking into account any loss sustained on the other part.

7. The notice from the Commissioners requiring from owners a return should inform them that they may have any part of their estate separately assessed and valued.

8. If undeveloped land is not assessed by the Commisioners, the undeveloped land duty should not be recoverable until it is assessed, and the payment of such duty should not be retrospective. If the Bill is not altered in this respect, no solicitor dare complete the purchase of any plot of land, or even of a house with land attached, without ascertaining not only that it is not included in the Commissioners' valuation list but also that they *do not intend to assess it*.

9. If details are given in the Commissioners' provisional valuation as suggested in No. 4, then abolish the appeal to the referee, and let the appeal be direct from the Commissioners to the High Court, or the County Court. This is the procedure which has been adopted by the Finance Act of 1894, and seems to have worked satisfactorily. An appeal from the Commissioners to a referee savours too much of an appeal from one Government official to another.

10. Define minerals, particularly as to whether clay is included.

11. Let any rules to be framed be laid upon the tables of both Houses of Legislature.

12. Let the Commissioners' valuations be deposited in public places easily accessible, open for public inspection, and provide that certified extracts shall be supplied at a nominal figure on demand by post or personal application.

13. So long as land is *used* for agricultural purposes only let it be exempt. The Prime Minister is reported to have stated at Birmingham "The land taxes proposed by the Budget do not touch agricultural land." Compare this statement with clause 11, sub-clause 2, which relates to undeveloped land duty: "In the case of agricultural land of which the site value exceeds fifty pounds per acre undeveloped land duty shall only be charged on the amount by which the site value of the land exceeds the value of the land for agricultural purposes." In addition, clause 11 (5) shows agricultural land is *intended* to be included. This will affect agricultural land abutting upon a main road or near a town. It may be only used for agricultural purposes—only let at an agricultural rent—yet that portion abutting upon the main road is necessarily of greater value, if sold, than the back land. As the Bill now stands it seems to me that such land might be liable to this duty. If "the land taxes are not to touch agricultural land," why not let the Bill expressly say so?

My summary is by no means complete. I have already trespassed upon your time much longer than I ought to have done, but the importance, the novelty, and the difficulties of the Bill have only enabled me to treat the subject very generally indeed. I have to thank you for your patience and courtesy. I trust I have carefully avoided any reference to the policy of the Bill; that is a subject for discussion elsewhere; may those discussions be tempered with that moderation I know this learned assembly will exercise, and which is so necessary to arrive at the truth. Some people contend that the land of the country is vested in the hands of a limited number, and that it is desirable to secure an extension of ownership; possibly all of us would agree with those two propositions. We have however to be careful, in making any change, not to do violence to those feelings of justice, equity, righteousness, and good government which have hitherto made our legal temple the light of the world.

The PRESIDENT said that the impression he had gathered from a perusal of the paper was that there would be a good deal of work for lawyers and surveyors for some years to come.

THE LAW OF INHERITANCE AND ILLEGITIMACY.

Mr. J. S. RUBINSTEIN (London) read a paper on this subject:—

In the limited time at our disposal it is not possible for me to do more than to indicate certain grave anomalies that, I venture to submit, call loudly for reform. The anomalies I refer to arise in connection with (1) The law of inheritance of real estate, (2) The unrestricted testamentary power of fathers of families, and (3) The law relating to illegitimacy.

(I.) Inheritance.

In the case of a person dying intestate the law gives substantially the whole of the real estate of the intestate to his heir-at-law. In cases where he leaves more than one child the eldest son alone inherits. The law originated in the Feudal System, and although the system came to an end in the reign of Henry II., seven centuries back, some of its doctrines and principles control to-day our laws, habits and customs. The system was founded on the practice exercised by the King and large landowners of giving land in return for military service. The consequence of this was that land was practically only given to those able to render the best services. In this way arose the preference for the eldest son as against any recognition of younger sons or daughters. The introduction in 1150 of "scutage," which substituted money payments in lieu of personal service, should, it might be thought, have brought home to the then authorities the injustice of one child inheriting the whole real estate to the exclusion of all the other children. We can hardly, however, comment very severely on our ancestors' conceptions of right and wrong if we take the trouble to remember that these conceptions have continued through the intervening centuries to the present day, and are apparently accepted on all sides as a natural arrangement against which it is idle to utter a word. Some time back a case came under my notice that exemplified in a striking way the gross inhumanity of the law. A man who had commenced life without any educational advantages had by dint of hard work amassed an estate of about £10,000 in value. He had a great belief in freehold property, and nearly everything he possessed was invested in land and houses. He died somewhat suddenly, leaving a wife and seven children, the eldest child being a son by a first marriage. This son was of age, the other children being under sixteen. Unfortunately, the father did not leave a will, with the result that his eldest son, from whom he had been estranged since the date of the second marriage, was able to claim nearly everything. The widow, who obtained a grant of administration, took possession of the title deeds and declared that nothing in the world would induce her to give them up. The son sought the aid of the court to establish his rights, and his claims could not of course be resisted. I must leave you to realise the painful scenes that marked the downfall of a family from the state of comparative comfort in which it had been living into a state of almost abject poverty. What is there that can possibly be urged in favour of the continuance of a law that makes such a case as I have outlined possible? If a man omits to make a will why in the name of common sense and humanity should the State in effect make a cruelly unjust will for him? In the case of a man dying intestate possessing personal property, such property is distributed with due regard to equitable principles. These are fixed by statute. A man's wife and all his children are the persons whose claims are paramount, and the law that gives one-third of the property to the widow and the remaining two-thirds amongst the children is perhaps as near an approach to natural justice as can be reached in any method that must of necessity be of universal application. There is not a valid argument that can, I submit, be advanced why in these days the law of inheritance of realty should not be assimilated to that which governs personalty.

(II.) Testamentary Power.

The second anomaly to which I desire to direct attention is the unrestricted right a person possesses to leave his property in any way he pleases, regardless of the claims of wife or child. So far as realty is concerned this right was probably favoured by the Feudal System in order to enable a landowner to select as his successor the person he thought best fitted to carry out the services that landowners were called upon or expected to render. Feudalism does not, however, appear to have taken any account of personalty, due doubtless to the fact that in the Feudal times personal possessions as distinct from land were of slight consequence. It was not until centuries later that, with the growth of commercial enterprises, personal property grew in value and importance. In the view of the best authorities, by the common law of England a man was not free to dispose of the whole of his personal property if he had a wife or children living at his death. If he left either wife or children he could only dispose of one-half, and only one-third if he left both wife and children. From about the beginning of the seventeenth century the right of a man to leave his personal property in any way he pleases irrespective of wife or children became established. In my view this right is not one that should be maintained. Although a large majority of parents do undoubtedly pay due testamentary regard to their moral obligations, numerous cases are within the experience of all of us where provision that ought to have been made has not been made. The Probate Court term after term reveals cases of wills cruelly unjust yet impossible to defeat in the absence of technical defects or proof of undue influence or unsoundness of mind. The case of the testator who wills away his property to the exclusion of his family is known to all of us. The testator who inherits from his first wife and leaves her children penniless while he enriches his second spouse, is quite common. The parent who in his declining years takes unnatural dislike to certain of his children and reflects the same in his will, figures many times each term. In fact the case of the man whose wife, by dint of great industry, assisted him to build up a large fortune, and found the only recognition in a direction by her husband to his executors to forward her the smallest coin of the realm in an unstamped envelope, is but a mild exaggeration of the testamentary iniquities disclosed each legal year. This condition of things admits of simple remedy. The State has decided what is just and equitable with regard to personal property in the event of intestacy, and the principle has only to be extended. Other civilised countries as well as Scotland have laws embodying the principle for which I am contending—why should we remain so far behind? In other countries a testator may, where he leaves neither widow nor children, dispose of the whole of his personal estate, but where he leaves a widow and children he may dispose of one-third only, and of the remaining two-thirds, one-third goes to the widow, one-third to the children. Where he leaves a widow only, or children only, he may dispose of half, and the widow (or children) will take the other half. If the testator exceeds his power of disposal the court reduces the will *ad legitimum modum*. A short Act on these lines, and many injustices would disappear. The duty of a husband and father to provide according to his means for his wife and children should surely not in law come to an end with his life, they should have a recognised claim on his death to a definite proportion of his estate. On the grounds of justice and expediency our laws should, I submit, on this point be forthwith brought into line with the more enlightened views that prevail elsewhere.

(III.) Illegitimacy.

The third point on which I desire to speak has reference to the subject of illegitimacy. One of these days, when our legislators do not deem it essential to devote all their energies to party conflicts and can spare the time to give some thought to questions most intimately affecting the well-being of the community, it is safe to assume that the law as it affects illegitimate children will come in for drastic revision. That such children—themselves innocent of any misdeed—should be made by law to suffer for the wrong done to them by others is an instance of vicarious punishment that offends the most elementary sense of justice. The whole subject is too large a one for me to deal with now. I will confine myself to one particular instance where the law operates with peculiar injustice. I allude to the case of illegitimate children whose parents subsequently marry. The gross harshness of the existing law came home to me some years back in connection with a case that occurred in my practice. A man occupying a responsible position, and who was held in high esteeem by an unusually large circle of friends, died, leaving by his will all his property to his widow for life and after her death to his children. The children were four in number, all under age. It was not until after probate had been obtained that it was ascertained that, although the parents had lived together for over twenty-five years, it was only prior to the birth of the youngest child that they were actually married. The widow's humiliation at the disclosure and the knowledge that her three eldest children were in law illegitimate and consequently would not inherit a fraction of their father's money, so preyed on her mind that it ended in a few months in her taking her own life. In thinking of the blighted lives of the children, I feel a difficulty in speaking calmly of the state of the law that brought about such a tragedy. Here, again, England is behind Scotland, as well as other countries where the subsequent marriage of the parents legitimatises children born before marriage. Surely the children have a right to claim that the law should not step in and mercilessly prevent the parents from carrying into effect what frequently is the most ardent wish of their lives—the wish that their children shall not suffer as a consequence of their parents' original indiscretion, folly, or wrongdoing.

My proposals therefore are:—

(1) That the law of inheritance to real property should be assimilated to that relating to personalty.

(2) That wives and children should be entitled to a proportion of their husbands' and fathers' estate, and that his testamentary rights should be restricted accordingly.

(3) That the subsequent marriage of the parents should legitimatise children born before marriage.

Solicitors as a body are brought more in touch than any other class of the community with people in their hour of trouble, so no one knows as well as we do how cruelly oppressive the laws are at times in their operation. With our special knowledge it is clearly a duty incumbent upon us to impress our views on the authorities. If we can only induce our legislators, with whom alone the power rests, to apply the appropriate remedies, they can rest assured they will earn the gratitude of numbers now living and of untold numbers in generations to come.

Insurance Legislation.

Mr. H. Kingsley Wood (London) read a paper on this subject, which we hope to print next week.

Votes of Thanks.

Votes of thanks were passed to the Lord Mayor, the Newcastle Law Society, and to others who had been in any way concerned in the success of the meeting.

Conversazione—Excursions.

By the invitation of the Newcastle Society a conversazione was given in the evening in the Laing Art Gallery, the guests being received by the President of the Newcastle Society and Mrs. Pybus, and by Mr. Marshall (Vice-President) and Mrs. Marshall. There was a large gathering. On Thursday there were two excursions—one to the Roman Wall, and the other to Durham.

Solicitors' Benevolent Association.

The annual meeting of this association was held on Wednesday, at the Assembly Rooms, Newcastle, Mr. Walter Dowson (chairman of the Board of Management, a member of the Council of the Law Society) taking the chair.

The annual report of the directors stated that the association has now 4,117 members enrolled, of whom 1,275 are life and 2,842 annual subscribers. Seventy-seven of the annual subscribers are in addition life members of the association. Last year's report dwelt naturally on the Jubilee of the association. Including the period that subsequently elapsed (to the end of December, 1908), a total decrease of 465 members was recorded. Many supporters, however, have been lost by death and other causes. The forty-ninth anniversary festival, held on the 15th of June, resulted in a net gain to the funds of £1,358. Included in the receipts were legacies of £25 under the will of the late Mr. Thomas Peirson Hugill, £500 under the will of Mr. Henry James Francis, and £100 under the will of Mr. T. Russel Kent. A transfer of £1,000 North-Eastern Railway 3 per cent. debenture stock had been made during the year by Mr. W. J. Humfrys (Hereford), and two annuities of £15 each, to be known as the "Humfrys Annuities," had thereby been created. The Birmingham Law Society, as a Jubilee gift, presented £350 to the association, the balance of funds collected for the entertainment of members of the Law Society in October, 1908, and an "Old Subscriber" had presented a gift of £500. The directors have to record the gift of £1,000 from Mr. J. T. Christopher, as residuary legatee of the late Mr. D. S. Christopher. During the year 252 grants were made from the funds, amounting to £6,155 5s. Of this sum five members and forty-two members' families received £1,960, while fifty non-members and 155 non-members' families received £4,195 5s. The sum of £168 15s. was also paid to annuitants from the income of the late Miss Ellen Reardon's bequest, £28 to the recipient of the "Hollams Annuity No. 1," £30 to the recipient of the "Hollams Annuity No. 2," £15 to the recipient of the "Hollams Annuity No. 3," £30 to the recipient of the "Victoria Jubilee Annuity (1887)," and £37 3s. to the recipient of the "Henry Morten Cotton Annuity." The sum of £190 was also paid to pensioners from the "Victoria Pension Fund," £143 to annuitants under the Kinderley Trust, and four grants amounting to £80 were made from the Special Relief Fund connected with the Kinderley Trust. The total relief granted during the year therefore amounted to £6,877 3s. This exceeded the largest sum hitherto given away during any one year.

The report was unanimously adopted, and the various officers were re-elected.

Legal News.

Appointments.

Mr. J. D. Langton, solicitor, of Paper-buildings, Temple, and Mr. W. J. B. Tippetts, solicitor, of Maiden-lane, Cannon-street, have been appointed Under-Sheriffs of the City of London.

Changes in Partnerships.

Dissolutions.

Arthur George Hooper, Arthur George Tanfield, Andrew Martin Fairbairn, and Oswald Stokes Hooper, solicitors (Hoopers, Tanfield, & Fairbairn), Birmingham. June 30. The said Arthur George Hooper and Arthur George Tanfield will continue the practice at the above address under the old firm name of Hooper and Tanfield.

George Webber and George Chaffey Dibble, solicitors (Webber & Dibble), Bristol. Sept. 23. [*Gazette*, Sept. 28.

General.

The *Times* correspondent at the Hague says the Bills passed last year in the Second Chamber for the prevention of arrears in the dispensation of justice were passed on the 23rd ult. by the First Chamber. They provide for an age limit for judges, but contain provisions safeguarding the rights of a certain number of the present occupants of the Bench. A further provision gives a single judge power to try certain cases which hitherto could only be heard by a court of several judges.

On Tuesday in the House of Commons Mr. S. Roberts asked the Chancellor of the Exchequer whether the increased stamp duty on conveyances would apply when the contract was made before the introduction of the Budget; and, if so, whether he was prepared to accept a clause exempting such cases. Mr. Hobhouse, who replied, said: The increased duty will apply to all conveyances executed on and after the date of the Royal Assent. My right hon. friend regrets that he does not see his way to accept a clause of the kind suggested in the second part of the question.

In addressing the grand jury, at the intermediate session of the Middlesex Sessions, Mr. Montagu Sharpe alluded to the report of the departmental committee appointed by the Home Secretary in regard to the amalgamation scheme which had been under consideration for the trial of prisoners in the County of London and that of Middlesex. Such a plan, he said, might be beneficial so far as one Court dealing with crime in London and the suburbs was concerned, but, applied to Middlesex, he thought it would be disastrous in the interests of jurors, witnesses, and others, who at present were seldom kept more than two days at their duties, while under the propored scheme they would probably be kept hanging about for a week unless the Middlesex cases were taken first, which was improbable.

It is announced that Mr. E. L. C. P. Hardy on Wednesday retired from the position of chief clerk in the Duchy of Lancaster office, where he has served for upwards of 44 years, and during a period of 30 years in the position of chief clerk.

One of the first cases under the Prevention of Crimes Act, 1908, which came into force in August of this year, came, says the *Times*, before the Recorder (Mr. Lewis Coward, K.C.) at the Folkestone Quarter Sessions this week. On a charge of theft, a man named Weston was sentenced to three years' penal servitude and detention for a further period of five years for being an habitual criminal—being eight years in all. In sentencing Weston, the Recorder said: "This Act of Parliament has been passed, and I intend to act upon it. The jury have found you a persistently dishonest and criminal man. The Legislature considers that such a person as you should, for the protection of the public, be kept in detention for a lengthened period of years. You have had every chance. Three times you have been sentenced to penal servitude, and you have been twice put under police supervision. You have been sixteen times convicted of felonies and misdemeanours. The sentence I pass upon you is that you be detained in penal servitude for three years, and I order further that on the termination of that sentence you be detained for a period of five years." Weston: "I don't think you can do it." The Recorder: "You can appeal." Weston: "It is a good job there is a Court of Appeal."

Among the Babylonian clay tablets in the British Museum are, says the *Globe*, two which throw light on the legal status of women in ancient Babylonia, and show that the Married Women's Property Act was in force in that country as early as B.C. 550-538. The proceedings to which these documents refer were taken by a woman against her brother-in-law to regain possession of certain property left her by her husband. The facts of the case were that a man from Babylon had married a woman from Borsippa, and with the money of her dowry he had bought an estate. After a few years they adopted a son, and shortly after this the husband mortgaged the estate. He died leaving it mortgaged, and then the husband's brother wanted to claim it. The woman took her case to the Court at Borsippa, but it was beyond their jurisdiction, so it was referred to the High Court at Babylon. The judges examined the documents relating to the case, and decided that as the property was the husband's, the widow could have it on paying off the mortgage, and that the husband's brother had no claim. Eventually, however, the estate would be the property of the adopted son. It is interesting to note that it is distinctly stated that the lady pleaded her own case, without the assistance of a scribe, or lawyer, and judgment was given in her favour.

At the County of London Sessions on Tuesday the foreman of the jury serving in the court said, as reported by the *Times*, he wished to draw attention to the inequality of the law so far as the payment of jurors was concerned. Coroners' juries as a rule were occupied but a short period of time, and then only in their own immediate neighbourhood; yet a fee was paid for their services where it was asked for. At the Sessions jurors had to remain in attendance for many days, and also had to travel long distances at some expense and considerable inconvenience to business, and for the attention demanded of them they received no recompense. If it was logical to pay coroners' juries, why was it not logical to pay jurors hearing criminal cases? Mr. Hedderwick, who presided, in reply, said the jury were, of course, quite aware that he had no power in the matter. He knew it was a great hardship on many jurors to be called upon in the way they were, and to serve, as many did, for a considerable length of time. Their business concerns must suffer more or less. That was a very unfortunate thing, and he did not know that any compensation would be adequate compensation for that loss. At the same time it must be borne in mind that as good citizens very great responsibility was thrown upon them by the State, because they stood between the liberty of their fellow-subjects and the law, and they had to protect the rights of their fellow-countrymen. If it was not for the British jury he did not know how they would get on in the administration of justice in criminal cases. They must be prepared to sacrifice something for the benefit of the whole community.

Upon the Law Society, which has arranged a provincial meeting at Newcastle, the shade of Lord Chancellor Eldon may, says the *Pall Mall Gazette*, be fancied looking down. John Scott was born in Love-lane, Newcastle, in 1751, the son of a dealer in the chief commodity of the place. Before the end of the century he was Baron Eldon of Eldon, a property he had purchased for £22,000. At the Coronation of George IV. he was Viscount Encombe—the title being derived from yet another property—and Earl of Eldon. His Lord Chancellorship ran to something like a quarter of a century. He and his Vice-Chancellor, Sir John Leach, so differed in their judicial method that the court of the one was called that of "Oyer sans Terminer," and the court of the other: "Terminer sans Oyer." The slowness of justice in the one and the quickness of injustice in the other prompted the epigram:—

> The first from Eldon's virtue springs,
> The latter from his "Vice."

A lawyer (cross-examining) asked, according to the *Central Law Journal*, "Now, what did you say your first name was?" The Witness (cautiously): "Waal, I was baptised John Henry." The Lawyer: "You were, were you? How do you know you were?" The Witness: "Waal, I was there, you know." The Lawyer: "Huh! How do you know you were?" The Witness: "Why, I couldn't have been bap-

tised otherwise. And, besides, I think I can remember it quite well." The Lawyer: "Ho, you do, do you?" The Witness: "Waal—er—yes." The Lawyer (deeply sarcastic): "Kindly explain to the court and jury, my friend with the phenomenal memory, how an infant in arms came to remember that ceremony so well, will you?" The Witness: "Waal—er—you see, I wasn't baptised until I was eighteen years old."

Winding-up Notices.

London Gazette.—FRIDAY, Sept. 24.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BASTABLE SUPPLY STORES, LTD, BRISTOL—Creditors are required, on or before Sept 29, to send their names and addresses, and the particulars of their debts or claims, to Chas. B. Winson, City chambers, Nicholas st, Bristol, liquidator

BRITISH TEA TABLE Co (1897), LTD—Petn for winding up, presented Sept 14, directed to be heard Oct 13. Norton & Co, Old Broad st, solors for the petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 12

CARR HILLS & Co, LTD—Creditors are required, on or before Oct 12, to send their names and addresses, and the particulars of their debts or claims, to George William Lindsay Thompson, 71, Temple row, Birmingham, liquidator

GOLD COAST OIL AND BITUMEN CORPORATION, LTD (IN VOLUNTARY LIQUIDATION)—Creditors are required, on or before Oct 23, to send their names and addresses, and particulars of their debts or claims, to Bernard Catling, Dashwood House, 9, New Broad st, liquidator

JOHN BULL, LTD (OF GUERNSEY)—Petn for winding up, presented July 28, directed to be heard October 13. Taylor & Co, Gresham-st, solors for the petners. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 12

LIVERPOOL GLASS Co, LTD—Creditors are required, on or before Oct 28, to send their names and addresses, and the particulars of their debts or claims, to John William Robinson Punch, 35, Albert rd, Middlesbrough. Punch & Robson, Middlesbrough, solors for the liquidator

MARSH, SON, & GIBBS, LTD—Petn for winding up, presented Sept 1, directed to be heard Oct 13. Collyer-Bristow & Co, Bedford row, for Wood & Awdry. Chippenham, solors for the petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 12

London Gazette.—TUESDAY, Sept. 28.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

COURTNEY & BIRKETT, LTD (IN LIQUIDATION)—Creditors are required, on or before Nov 13, to send their names and addresses, and the particulars of their debts or claims, to Patrick Gill Griffith, 86, Leadenhall st, liquidator

F. C. SOUTHWELL & Co, LTD (IN LIQUIDATION)—Creditors who have not already sent particulars of their debts or claims will be excluded unless they send their names and addresses, and particulars of their debts or claims, to William John Peter, 21, Basinghall st. Robinson & Co, Eastcheap, solors for the liquidators.

GLENAVON RHONDDA COLLIERIES Co, LTD—Creditors are required, on or before Oct 30, to send their names and addresses, and particulars of their debts and claims, to W. F. Gibb, liquidator.

T. H. SALE & Co, LTD (IN VOLUNTARY LIQUIDATION)—Creditors are required, on or before Nov 10, to send their names and addresses, and the particulars of their debts or claims, to Robert Oswald, 13, Spring gdns, Manchester

THOMAS RICHARDS & Co, LTD—Petn for winding up, presented Sept 6, directed to be heard Oct 13. Lloyd, Chancery ln, solor for the petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 12

TRURO SYNDICATE, LTD (IN VOLUNTARY LIQUIDATION)—Creditors are required, on or before Oct 25, to send their names and addresses, and particulars of their debts or claims, to H. H. Simmons, 6, Old Jewry, liquidator

UNITED BUTTER COMPANIES OF FRANCE, LTD—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Charles Acton Dodds, 5, Copthall bldgs. Graham & Wigley, King st, solors for the liquidator

Resolutions for Winding-up Voluntarily.

London Gazette.—FRIDAY, Sept. 24.

COURTNEY & BIRKETT, LTD.
NOVELTIES (BLACKPOOL), LTD.
LEVANT MANUFACTURING Co, LTD.
CAREL ELLINCKHUYSEN AND ZOONEN, LTD.
UNIVERSAL MINING Co, LTD.
FAIRBANK BREARLEY, LTD.
ST CATHERINE PRESS, LTD. (Reconstruction)
GOLD COAST OIL AND BITUMEN CORPORATION, LTD.
NEVIS, LTD. (Reconstruction)
LIVE FISH TRANSPORT Co, LTD.

London Gazette.—TUESDAY, Sept. 28.

SEGONTIUM STEAM LAUNDRY Co, LTD.
W. COOKE & Co, LTD
FENTON & Co, LTD.
THOMAS DONOVAN & SON, LTD.
GENERAL FREEHOLD LAND Co, LTD
GLENAVON RHONDDA COLLIERIES Co, LTD
SCHNELLS PATENT LAMP Co, LTD.

The Property Mart.

Forthcoming Auction Sales.

Oct. 7.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2: Absolute Reversions, Life Interests, Policies of Assurance, &c. (see advertisement, back page, this week).

Oct. 13.—Messrs. TROLLOPE, at the Mart: Residence and Freehold Residential Estate (see advertisement, back page, this week).

Oct. 14.—Messrs. STIMSON & SONS, at the Mart, at 2: Freehold Ground-rents (see advertisement, page iii., this week).

Oct. 19.—Messrs. WEATHERALL & GREEN, at the Mart, at 2: Leasehold Ground-rents (see advertisement, back page, this week).

Oct. 20.—Messrs. BAXTER, PAYNE, & LEPPER, at the Mart, at 2: Freehold Ground-rents, Residences, &c. (see advertisement, back page, this week).

Oct. 26.—Messrs. DEBENHAM, TEWSON, & Co., at the Mart, at 2: Freehold Ground-rents (see advertisement, page iii., this week).

Oct. 27.—Messrs. EDWIN FOX & BOUSFIELD, at the Mart, at 2: Freehold Property (see advertisement, back page, this week).

Creditors' Notices.

Under Estates in Chancery.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Sept. 24.

NOAKES, FREDERICK, St Leonard's on Sea Oct 15 Foord v Noakes, Swinfen Eady, J Baker, Rochester

Under 22 & 23 Vict. cap. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Sept. 24.

ALMOND, JANE, Torquay Oct 30 Vickers, Paignton
ATKINS, HARRIET, Earl Shilton, Leicester Oct 23 Toller & Co, Leicester
BARRITT, FREDERICK WILLIAM, Liverpool, Bank Accountant Oct 4 Kelly & Co Liverpool
BARTON, RICHARD, St Maurice, Nice, France Oct 31 Higson & Co, Manchester
BELLINGHAM, CAROLINE, Aldeborough rd, Seven Kings Nov 1 Rawlinson & Son, New Broad st
CANTER, REBECCA, High st, Hampton Hill Oct 29 White, Great Turnstile
CAREW, JESSIE KING, Watford Oct 30 Murray & Co, Birchin ln
CAUNT, GEORGE HEATHCOTE, Sutton in the Vale, Notts, Farmer Nov 6 Beaumont & Goodall, Nottingham
CLARK, WILLIAM, Katherine rd, East Ham Oct 23 Howse & Eve, Salters Hall ct, Cannon st
COOPER, ANN, Broughton Park, Salford Nov 5 Brett & Co, Manchester
CROOM, LOUISA, Pontypool, Mon Nov 28 Bythway & Son, Pontypool
CROWTHER, GEORGE, Sowerby Bridge, Yorks, Coal Merchant Oct 23 Barstow & Midgley, Halifax
CROWTHER, WILLIAM, Sowerby Bridge, Yorks, Cotton Doubler Oct 23 Barstow & Midgley, Halifax
DUGGAN, ANNE, Mutley, Plymouth Oct 26 Barfield & Child, Plowden bldgs, Temple
EDWARDS, EDWARD FOLLETT, Devon, Hotel Proprietor Nov 2 Webster & Watson, Newton Abbot
ELLIOTT, ELIZABETH, Rugby Oct 25 Wratislaw & Thompson, Rugby
FULLER, ANNIE ELIZABETH, Gisburn rd, Hornsey Oct 25 Robins & Grimsdall, Hornsey
GOUGH, HERBERT, Sandiacre, Derby, Baker Oct 27 Goodall & Son, Nottingham
GREENHALGH, JAMES, Chorlton cum Hardy, Lancs Oct 25 Allen & Co, Manchester
GUTMANN, EMIL, Morpeth mans, Victoria st, Stock Broker Nov 1 Morley & Co, Old Broad st
HAWKSWORTH, EVANGELINE, Staleybridge, Chester Oct 27 Finney & Co, Bolton
HIGGINS, JOHN, Northampton, Draper Oct 16 Hensmen & Co, Northampton
JARRETT, ROBERT, Dover Mowll & Mowll, Dover
JOHNSON, JOHN, Loughborough, Leicester Oct 30 Clifford & Cliffords, Loughborough
KOCHMANN, MORITZ, Hampstead Oct 29 Samuelson, Queen Victoria st
LEECH, CAROLINE ELLEN, Kettering, Northampton Oct 25 Lamb & Stringer, Kettering
MAYELL, SARAH JANE, Guilden Morden, Cambridge Oct 20 Wortham & Co, Royston, Herts
OBREE, JOHN FREDERICK, Southampton Oct 25 Robins & Co, Southampton
PAGE, MARY, Aston, nr Nantwich, Chester Oct 21 Thompson & Co, Birkenhead
PANTHER, ROSANNA, Pytchley, Northampton Oct 25 Lamb & Stringer, Kettering
PAYLING, RICHARD, Peterborough, Dentist Nov 11 Howard & Shelton, Moorgate
PETERKIN, SARAH EMMA, Margate Oct 21 Gibson, Margate
PLATER, ERNEST WILLIAM, Austin friars Oct 22 Budd & Co, Bedford row
PROBYN, CAROLINE, Cholmeley, Cheltenham Oct 9 Dighton, Cheltenham
REES, WILLIAM VINSON, Mumbles, Glam, Ironmonger Oct 22 Jones, Swansea
RUSSELL, THOMAS, Haverfordwest, House Decorator Oct 31 Eaton-Evans & Williams, Haverfordwest
SAMSOM, SUSAN, Hillmarton rd, Holloway Oct 22 Mote & Son, Gray's inn sq
SHORTT, ANNIE JULIA HENRIETTA, Eardley cres, Earl's Court Nov 2 Andrew & Co, Great James st, Bedford row
SIEDLE, ADOLPH, Swansea, Pawnbroker Oct 30 Puntan, Swansea
SLIGHT, RICHARD HENRY, Lincoln, Labourer Oct 21 Trotter, Lincoln
STARR, WILLIAM, Stanstead Abbotts, Herts Dec 18 Chalmers-Hunt & Davies, Ware
STRADLING, SARAH ELIZABETH, Wellington, Somerset Nov 30 Booker, Wellington
WADDINGHAM, ANTHONY, Great Grimsby Oct 30 Haddelsey, Great Grimsby
WALKER, MARY, Leeds Oct 31 Cranswick & Crawford, Leeds
WINTERHALTER, XAVIER FRANCOIS, Chelsea Oct 31 Oppenheimer & Co, Copthall av
WOODROFFE, MARIANNE ELIZABETH, Southport, Lancs Oct 23 Goffey, Southport

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ADAMS, JAMES, Slough Oct 28 Goodacre & Co, Slough
AKENHEAD, MARTHA, Torpoint, Cornwall Oct 6 Heath, Devonport
ALLISON, ELIZABETH, Plaistow Oct 23 Pearce & Rowse, Liverpool st
ARDITI, VIRGINIA, Hove, Sussex Nov 1 Witham & Co, Gray's inn sq
ASHTON, ALFRED, Camden Park, Tunbridge Wells Nov 13 Andrew & Cheale, Tunbridge Wells
BABB, JOHN STAINES, Gresham rd, Surrey Oct 30 Satchell & Co, King st, Cheapside
BEAN, REBECCA, Ryde, I of W Oct 23 Fardells, Ryde, I of W
BIRRELL, JAMES, Barrow in Furness, Coppersmith Oct 30 Townsend, Barrow in Furness
BROADBENT, TOM WEBSTER, Earlsheaton, Dewsbury Nov 6 Gledhill, Dewsbury
BROWN, WALTER, Hackney Nov 2 Whittington & Co, Bishopsgate st Without
CLARKE, DANIEL NEWPORT, Liverpool Oct 29 Mason & Co, Liverpool
CAPLE, JOHN HOOK, Bitton, Glos, Yeoman Oct 9 Stanley & Co, Bristol
CHAPMAN, WILLIAM, Southborough, Kent Oct 23 Buss, Tunbridge Wells
CHAPMAN, WILLIAM JOHN, East Grinstead, Publican Oct 15 Hughes, East Grinstead
CLARK, JOHN, Millfield, Northumberland Nov 1 Watson & Co, Newcastle upon Tyne
COOPER, BETSEY, Kingston on Thames Nov 4 Sherrard & Sons, Gresham st
COXON, JAMES, Warter, Yorks, Farmer Nov 13 Robson, Pocklington
CRANE, ELIZABETH, Sheffield Nov 1 Autty & Sons, Sheffield
GEORGE, RICHARD ROBERT, Wells, Somerset Oct 23 Goodall, Wells
HARPER, WILLIAM, Wakefield, Market Gardener Oct 28 Burton & Co, Wakefield
HARRIS, CHARLES SELWYN, Little Common, Bexhill on Sea Nov 1 Beachcroft & Co, Theobald's rd
HILL, MARY, Huddersfield Jan 1 Ramsden & Co, Huddersfield
JALLAND, JOHN FOSTER, Hose, Leicester, Farmer Oct 30 Travell, Nottingham
JARDE, MARY LOUISA, Chudleigh, Devon Oct 16 Geare & Mathew, Exeter
JUDE, JOHN, Wheatley, nr Retford, Notts Dec 1 Alderson & Co, Sheffield
LAWRENCE, ELIZABETH, St Thomas' rd, Fulham, Beerhouse Keeper Nov 7 Oswald & Co, Hammersmith rd
MARRIAGE, JANE, Stainsby, Ault Hucknall, Derby Nov 13 Jones & Middleton, Chesterfield
MEREDITH, THOMAS LAWRENCE, Farndon, Chester, Draper Nov 1 James & James, Wrexham
O'BRIEN, MARY AGNES, Grosvenor st, Grosvenor sq Oct 26 Webb-Ware, Tavistock st, Covent Garden
OLIVER, JANE, Bridgnorth Oct 30 Cooper, Bridgnorth

PERKINS, MARY, Leicester Nov 1 Berridge & Sons, Leicester
REEVES, CHARITY, Ealing Oct 30 Mills & Reeve, Norwich
RISSIK, FREDERIK HENDRIK, Maliebaan Utrecht, Holland Nov 1 Minet & Co, St Helen's pl
SEALE, HENRY, Southborough, Kent Oct 23 Buss, Tunbridge Wells
SEED, BEAUVOIR COOPER, Hawick Dec 1 Woolley & Whitfield, Gt Winchester st
TAYLOR, JANE, Hinderwell, Yorks Oct 30 Gray, Whitby
WILD, SUSANNAH, Bingley, Yorks Nov 9 Weatherhead & Knowles, Bingley
WILKINSON, SAMUEL LATHAM, Cranage, Chester Oct 7 Dickson & Co, Chester
WRIGHT, JOSEPHINE FANNY JANE, Witham rd, Isleworth Oct 30 Hawks & Co, Borough High st, Southwark
WYCHERLEY, ANNIE, Broughton, nr Preston, Chemist Nov 1 Ward & Newsham, Preston

Bankruptcy Notices.

London Gazette.—FRIDAY, Sept 24.

RECEIVING ORDERS.

ALLATT, J D, Prima rd, Brixton, Club Proprietor High Court Pet July 15 Ord Sept 20
ANGEL, ABRAHAM, Romford rd, Manor Park, Butcher High Court Pet Sept 18 Ord Sept 18
BARTHELMEH, ADAM, Seymour st, Euston sq, Baker High Court Pet Sept 22 Ord Sept 22
BAYLISS, JOHN JAMES, and CHARLES ROBERT EDBROOKE, Totterdown, Bristol, Grocers Bristol Pet Sept 13 Ord Sept 20
BIRD, JOHN, Silverdale, Staffs, Baker Hanley Pet Sept 4 Ord Sept 17
BOYD, DANIEL MORRISON, Earl's ct sq High Court Pet Aug 25 Ord Sept 22
BROOK, HARRY, Dewsbury, Plumber Dewsbury Pet Sept 20 Ord Sept 20
CARLILE, JAMES, Sidcup, Kent Rochester Pet June 23 Ord Sept 20
CRIPPIN, WILLIAM, Moss Side, Manchester Salford Pet Sept 21 Ord Sept 21
CUTCLIFFE, WILLIAM HENRY, Cowes, I of W, Hairdresser Newport Pet Sept 20 Ord Sept 20
DUCK, RHODA AMELIA, Weston super Mare, Somerset, Lodging House Keeper Bridgwater Pet Sept 22 Ord Sept 22
EDGE, HARRY, Chorley, Lancs, Mill Manager Bolton Pet Aug 24 Ord Sept 22
GRIFFITHS, STEPHEN, West Meon, Southampton, Baker Pet Sept 22 Ord Sept 22
GRIMSHAW, JOSEPH, Old Swan, Liverpool, Grocer Liverpool Pet Sept 4 Ord Sept 22
HOPKINS, JAMES, Stockport, Licensed Victualler Stockport Pet Sept 9 Sept 21
LITWACK, JULIUS, Salford, Lancs, Dentist Salford Pet Sept 22 Ord Sept 22
LOINES, FREDERICK, Stretford, Lancs, Builder Salford Pet Sept 2 Ord Sept 21
MABEY, FRANCIS JOHN, Tylorstown, Glamorgan, Miner Pontypridd Pet Sept 20 Ord Sept 20
MAPPLEBECK, W, Liverpool, Dentist Liverpool Pet Aug 27 Ord Sept 21
MOORE, JOHN HENRY, Kirby Cane, Norfolk, Dealer Great Yarmouth Pet Sept 21 Ord Sept 21
MORRIS, THOMAS, Whitland, Carmarthen, Signalman Pembroke Dock Pet Sept 22 Ord Sept 22
MOSS, WILLIAM, Leeds Leeds Pet Sept 21 Ord Sept 21
NOAR, HERBERT, and DAVID LIVINGSTONE JAMIESON, Salford, Tailors Salford Pet Sept 21 Ord Sept 21
OLVER, JOHN WILLIAMS, East Looe, Cornwall, Farmer Plymouth Pet Sept 20 Ord Sept 20
PAULL, CHARLES ALEXANDER, Horley, Surrey, Corn Merchant Croydon Pet July 23 Ord Sept 21
PHIPPS, WILLIAM, Weston super Mare, Farmer Bridgwater Pet Sept 8 Ord Sept 20
POLLARD, WILLIAM HENRY, Birchin ln, Tailor High Court Pet Aug 27 Ord Sept 22
SPIERS, WILLIAM, Gray's inn rd, King's Cross, Tool Manufacturer High Court Pet Sept 22 Ord Sept 22
TAYLOR, WILLIAM JAMES, Kingston upon Hull Kingston upon Hull Pet Sept 20 Ord Sept 20
TOMLYN, ARTHUR L, Purley, Surrey, Ironmonger Croydon Pet Aug 24 Ord Sept 21
WATTS, JOHN WILLIAM, H M Prison, Leicester, Assistant Overseer Leicester Pet Sept 20 Ord Sept 20
WEST, JOHN, Wilmslow, Chester, Bricksetter Manchester Pet Sept 20 Ord Sept 20

Amended Notices substituted for those published in the London Gazette of Sept 21:

BOOKER, ALFRED EDMUND, Yardley, Worcester, Hardware Dealer Birmingham Pet Sept 16 Ord Sept 16
CROCKER, ELIZABETH, Crowle, Worcester Worcester Pet Sept 7 Ord Sept 18

FIRST MEETINGS.

ADAMSON, JAMES WEEDEN WOODHAMS, Lee on the Solent, Hants, Doctor Oct 4 at 3 Off Rec, Cambridge junc, High st, Portsmouth
ALLATT, J D, Prima rd, Brixton, Club Proprietor Oct 5 at 11 Bankruptcy bldgs, Carey st
ANGEL, ABRAHAM, Romford rd, Manor Park, Butcher Oct 4 at 1 Bankruptcy bldgs, Carey st
BALLS, MARY HANNAH, Hockley, Essex Oct 4 at 3 14, Bedford row
BARKER, ANNIE, Harwich, Show Proprietress Oct 6 at 12.45 Off Rec, 8, King st, Norwich
BARKER, JOHN, Harwich, Showman Oct 6 at 12.30 Off Rec, 8, King st, Norwich
BARTHELMEH, ADAM, Seymour st, Euston sq, Baker Oct 6 at 11 Bankruptcy bldgs, Carey st
BIRD, JOHN, Silverdale, Staffs, Baker Oct 2 at 11.30 Off Rec, King st, Newcastle, Staffs
BOYD, DANIEL MORRISON, Earl's Court sq Oct 6 at 12 Bankruptcy bldgs, Carey st
BRIND, JOSEPH BELCHER, Swindon, Shoeing Smith Oct 4 at 3 Off Rec, 38, Regent circus, Swindon
CARLILE, JAMES, Sidcup, Insurance Clerk Oct 11 at 12 115, High st, Rochester
CROCKER, ELIZABETH, Crowle, Worcester Oct 5 at 12 Off Rec, 11, Copenhagen st, Worcester
DAWSON, ROBERT, Saint Annes on the Sea, Lancs, Cycle Agent Oct 4 at 11 Off Rec, 13, Winckley st, Preston
DOUBLEDAY WALTER, Wisbech, Cambridge, Insurance Broker Oct 7 at 11 Court House, King's Lynn
EDWARDS, MAJOR SIDNEY, Port Talbot, Glam, Haulier Oct 5 at 11 Off Rec, Government bldgs, St Mary's st, Swansea
FORD, ERNEST DALLING, Barry, Glam, Club Steward Oct 6 at 3 Off Rec, 117, St Mary st, Cardiff
GARROD, GEORGE, Colchester, Farmer Oct 11 at 2.30 Off Rec, 38, Princes st, Colchester
HARTLEY, EMMA, Park st, Mayfair Oct 5 at 1 Bankruptcy bldgs, Carey st
HAYTON, JOHN ALBERT HENRY, Moss Side, Manchester, Piano Tuner Oct 4 at 2.30 Off Rec, Byrom st, Manchester
HOWELLS, ELIZABETH, Ferryside, St Ishmaels, Carmarthen, Draper Oct 2 at 11.30 Off Rec, 4, Queen st, Carmarthen
JOHNSON, CHARLES, Gunthorpe, Notts, Poultry Breeder Oct 5 at 11 Off Rec, 4, Castle pl, Park st, Nottingham
JONES, ERNEST FENWICK, Hartlepool, Plumber Oct 6 at 3 Off Rec, 3, Manor pl, Sunderland
LEGG, CHARLES, Reading, Greengrocer Oct 21 at 12 Queen's Hotel, Reading
LEUW, HAROLD S, Gilham's Farm, nr Liphook, Sussex, Farmer Oct 14 at 2.30 Off Rec, 4, Pavilion bldgs, Brighton
LIDDLE, JOSEPH THOMPSON, Hulme, Manchester, Grocer Oct 2 at 12 Off Rec, Byrom st, Manchester
LILLEY, CHARLES, Wye, Kent, Farmer Oct 2 at 10.30 Off Rec, 68A, Castle st, Canterbury
LUCHINI, LUIGI, Workington, Cumberland, Confectioner Oct 4 at 3.15 Court house, Cockermouth
MABEY, FRANCIS JOHN, Tylorstown, Glam, Miner Oct 4 at 11 Off Rec, Post Office chmbrs, Taff st, Pontypridd
MATTHEWS, HARRY, Rochdale, Innkeeper Oct 5 at 11.30 Townhall, Rochdale
MOSS, WILLIAM, Leeds Oct 4 at 11 Off Rec, 24, Bond st, Leeds
NATHAN, ISIDORE ARTHUR, Rusholme, Manchester Oct 2 at 11.30 Off Rec, Byrom st, Manchester
PAULL, CHARLES ALEXANDER, Horley, Surrey, Corn Merchant Oct 6 at 11.30 132, York rd, Westminster Bridge
PARTRIDGE & WEBB, Heath Park, Romford, Builders Oct 4 at 12 14, Bedford row
POLLARD, WILLIAM HENRY, Birchin ln, Tailor Oct 4 at 12 Bankruptcy bldgs, Carey st
SPIERS, WILLIAM, Gray's inn rd, King's Cross, Tool Manufacturer Oct 4 at 11 Bankruptcy bldgs, Carey st
TAYLOR, WILLIAM JAMES, Kingston upon Hull Oct 2 at 11 Off Rec, York City Bank chmbrs, Lowgate, Hull
TIMMS, PERCIVAL FREDERICK, Parsons st, Banbury, Cycle Agent Oct 2 at 12 1, St Aldates, Oxford
TOMLYN, ARTHUR L, Purley, Surrey, Ironmonger Oct 6 at 12 132, York rd, Westminster Bridge
TUNE, HENRY, and WILLIAM HENRY TUNE, Wisbech, Cambridge, Fruit Merchant Oct 7 at 10.30 Court house, King's Lynn
WALDRON, WILLIAM MOSES, Victoria rd, Stroud Green, Farmer Oct 4 at 3 Off Rec, 8, High st, Coventry
WICKENS, MICHAEL MENEAN, Hastings, Builder Oct 11 at 11 County Court Offices, 24, Cambridge rd, Hastings

ADJUDICATIONS.

ANGEL, ABRAHAM, Romford rd, Manor Park, Butcher High Court Pet Sept 18 Ord Sept 18
BALLS, MARY HANNAH, Hockley, Essex Chelmsford Pet Aug 18 Ord Sept 18
BARTHELMEH, ADAM, Seymour st, Euston sq, Baker High Court Pet Sept 22 Ord Sept 22
BAYLISS, JOHN JAMES, and CHARLES ROBERT EDBROOKE, Totterdown, Bristol, Grocers Bristol Pet Sept 13 Ord Sept 22
BIRD, JOHN, Silverdale, Staffs, Baker Hanley Pet Sept 18 Ord Sept 4
BROOK, HARRY, Dewsbury, Plumber Dewsbury Pet Sept 20 Ord Sept 20
COCKS, ARTHUR WILLIAM, Orsett, Essex, Miller Chelmsford Pet July 28 Ord Sept 20
COOKSLEY, ALBERT EDWARD, Easton, Bristol, Coal Dealer Bristol Pet Aug 5 Ord Sept 21
CUTCLIFFE, WILLIAM HENRY, Cowes, Hairdresser Newport Pet Sept 20 Ord Sept 20
DOWNING, EDWARD WILLIAM, Gracechurch st, Merchant High Court Pet Aug 23 Ord Sept 21
FRAMPTON, JOHN, East Dulwich, Builder High Court Pet Aug 18 Ord Sept 22
GOTTSTEIN, HANS HERMAN, Queen Victoria st, Advertising Agent High Court Pet May 20 Ord Sept 18
GRIFFITHS, STEPHEN, East End, West Meon, Southampton Baker Southampton Pet Sept 22 Ord Sept 22
HACKNEY, BERNARD BATIGAN, South pl, Finsbury pvmt, Barrister at Law High Court Pet July 30 Ord Sept 22
HARRIS, FRANK, and FRANK ERNEST BREWER, Bristol, Stock Brokers Bristol Pet Sept 3 Ord Sept 21
HARRIS, GODFREY, Middlesex st, Aldgate, Baker High Court Pet June 19 Ord Sept 23
LEUW, HAROLD S, Gilham's Farm, nr Liphook, Sussex, Farmer Brighton Pet Aug 23 Ord Sept 21
LITWACK, JULIUS, Salford, Lancs, Dentist Salford Pet Sept 22 Ord Sept 22
MABEY, FRANCIS JOHN, Tylorstown, Glam, Miner Pontypridd Pet Sept 20 Ord Sept 20
MOORE, JOHN HENRY, Kirby Cane, Norfolk, Dealer Great Yarmouth Pet Sept 21 Ord Sept 21
MORRIS, THOMAS, Whitland, Carmarthen, Signalman Pembroke Dock Pet Sept 22 Ord Sept 22
MOSS, WILLIAM, Leeds Leeds Pet Sept 21 Ord Sept 21
MULLINS, CHARLES, and ALFRED DIXON, Irlam, Lancs, Builders Salford Pet July 30 Ord Sept 20
MUMFORD, JAMES, Middlesex st, Hay Merchant High Court Pet June 7 Ord Sept 18
NOAR, HERBERT, and DAVID LIVINGSTONE JAMIESON, Salford, Tailors Salford Pet Sept 21 Ord Sept 21
PHILPOT, ALFRED EDMUND, Plumstead, Engineer Greenwich Pet July 9 Ord Sept 21
SIMONDS, THOMAS, Leadenhall Market, Meat Contractor High Court Pet Sept 8 Ord Sept 21
SPIERS, WILLIAM, Gray's inn rd, King's Cross, Tool Manufacturer High Court Pet Sept 22 Ord Sept 22
STORY, ROBERT DOUGLAS, Hartley, East Horsley, Surrey, Journalist High Court Pet Aug 6 Ord Sept 22
TAYLOR, WILLIAM JAMES, Kingston upon Hull Kingston upon Hull Pet Sept 20 Ord Sept 20
TOWNSEND, OLIVER CROMWELL, Rugby, Manufacturer Coventry Pet Aug 13 Ord Sept 18

WATTS, JOHN WILLIAM, H M Prison, Leicester, Assistant Overseer Leicester Pet Sept 20 Ord Sept 20
WEST, JOHN, Wilmslow, Chester, Bricksetter Manchester Pet Sept 20 Ord Sept 20
WICKENS, MICHAEL MENEAH, Hastings, Builder Hastings Pet Aug 25 Ord Sept 21
YERBURY, ERNEST ALLEN, High Holborn, Builder High Court Pet June 18 Ord Sept 20

ADJUDICATION ANNULLED.

SAVAGE, JOHN CHAMPNEYS, Ambleside, Westmorland, Farmer Kendal Adjud April 3 Annul Sept 18

London Gazette.—TUESDAY, Sept. 28.

RECEIVING ORDERS.

AYRES, HENRY, Bewdley, Worcester, Licensed Victualler Kidderminster Pet Sept 24 Ord Sept 24
BENNETT, GEORGE, Great Sankey, nr Warrington, Moss Litter Merchant Warrington Pet Aug 20 Ord Sept 24
BOOTH, ARTHUR, Kingston upon Hull, Coal Merchant Kingston upon Hull Pet Sept 10 Ord Sept 24
BRADLEY, ARTHUR EDWARD, Windlesham, Surrey, Licensed Victualler Kingston, Surrey Pet Sept 24 Ord Sept 24
CARR & Co, Thirsk, Wine Merchants Northallerton Pet Sept 13 Ord Sept 24
CLEGG, JOSEPH NELSON, Rochdale, Provision Merchant Rochdale Pet Sept 25 Ord Sept 25
COLTHERUP, MAURICE KELSEY, and HENRY WOODS, Portsmouth, Builders Portsmouth Pet Sept 22 Ord Sept 24
CORNTHWAITE, JOHN, Leighton Beck, nr Milnthorpe, Westmorland, Labourer Kendal Pet Sept 22 Ord Sept 22
DAVIS, JAMES, Gt Stukeley, Hunts, Wheelwright Peterborough Pet Sept 24 Ord Sept 24
DEWHURST, ALBERT, Doncaster, Carriage Builder Sheffield Pet Sept 24 Ord Sept 24
FIELD, GEORGE ARTHUR, Norwich, Licensed Victualler Norwich Pet Sept 25 Ord Sept 25
FLETCHER, THOMAS MYHILL, and GEORGE HUGH CHISHOLM, Llanrwst, Auctioneers Portmadoc Pet Sept 24 Ord Sept 24
GILBERT, FREDERICK WILLIAM, Sheffield, Edge Tool Merchant Sheffield Pet Sept 24 Ord Sept 24
GILL, THOMAS MOOREY, Middlesbrough, Boot Dealer Middlesbrough Pet Sept 24 Ord Sept 24
GOODMAN, SAMUEL, Clifton, Bristol, Commercial Traveller Bristol Pet Sept 11 Ord Sept 23
HAMILTON, FREDERICK THOMAS, Southampton, Journalist Southampton Pet Aug 25 Ord Sept 23
KING, ARTHUR, Oswestry Stoke upon Trent Pet Sept 24 Ord Sept 24
LISTER, JOHN WILLIAM, Accrington, Grocer Blackburn Pet Sept 10 Ord Sept 20
MARTIN, WILLIAM, Chatham, Commercial Traveller Rochester Pet Sept 23 Ord Sept 23
MATTHEWS, HENRY, Ilford, Timber Merchant Chelmsford Pet Aug 4 Ord Sept 15
MORGAN, TOM, Lozells, Birmingham, Jewellers Manager Birmingham Pet Sept 23 Ord Sept 23
RHODES, WILLIAM EDWIN, St Mary's sq, South Ealing, Builder Brentford Pet Aug 26 Ord Sept 24
SACKS, CHIAT & CUMES, Lloyd's av, South African Merchants High Court Pet Sept 3 Ord Sept 23
SCOTT, JOHN, Rotherham, Yorks, Photographer Sheffield Pet Sept 23 Ord Sept 23
SOMERSET, HENRY FITZROY EDWARD, St Ermins Hotel, Westminster High Court Pet Aug 6 Ord Sept 23
STRACHEY, JOHN WOMBWELL, Harpenden, Herts St Albans Pet Sept 24 Ord Sept 24
SUTCLIFFE, FREDERICK JOHN, Halifax, Grocer Halifax Pet Sept 24 Ord Sept 24
SYKES, GEORGE, Newtown, Hyde, Chester, Coal Dealer Ashton under Lyne Pet Sept 25 Ord Sept 25
TAYLOR, JOHN, Kingston, Engineer Kingston, Surrey Pet June 22 Ord Sept 23
THOMAS, JAMES SMITH, Kingsthorpe, Northampton, Dealer's Salesman Northampton Pet Sept 23 Pet Sept 23
THOMPSON, JOHN ALEXANDER, Middlesbrough, Greengrocer Middlesbrough Pet Sept 24 Ord Sept 24
TINKER, JOSEPH, Birkenhead, Coal Merchant Birkenhead Pet Aug 12 Ord Sept 25
TRANT, WILLIAM SAMUEL MARTIN, Brixham, Devon, Blacksmith Plymouth Pet Sept 23 Ord Sept 23
WALTON, JOHN WILLOUGHBY, Cheltenham, Coachman Cheltenham Pet Sept 23 Ord Sept 23
WATKEYS, FREDERICK HARRY, Llanelly, Carmarthen, Clerk Carmarthen Pet Sept 24 Ord Sept 24
WATKINS, ARTHUR NEVILLE, Alton, Builder Winchester Pet Sept 25 Ord Sept 25
WATMOUGH, GEORGE, South Shore, Blackpool Preston Pet Sept 24 Ord Sept 24
WHITEHOUSE, STEPHEN GRAINGER, Wellingborough, Carpenter Northampton Pet Sept 24 Ord Sept 24
WOOD, JOHN DANIEL, Middlesbrough, Journalist Middlesbrough Pet Sept 22 Ord Sept 22

RECEIVING ORDER RESCINDED AND PETITION DISMISSED.

BELL, WILLIAM, & Co, Newcastle on Tyne, Coal Exporters Newcastle on Tyne Pet Aug 11 Ord Aug 24 Resc and Dis Sept 16

FIRST MEETINGS.

BAYLISS, JOHN JAMES, and CHARLES ROBERT EDBROOKE, Totterdown, Bristol, Grocers Oct 6at 12.15 Off Rec, 26, Baldwin st, Bristol
BOOKER, ALFRED EDMUND, Yardley, Worcester, Forage Merchant Oct 8 at 12.30 Ruskin chmbrs, 191, Corporation st, Birmingham
BRADLEY, ARTHUR EDWARD, Windlesham, Surrey, Licensed Victualler Oct 3 at 12 132, York rd, Westminister Bridge
BRIGGS, ALFRED, Nottingham, Warehouseman Oct 6 at 11 Off Rec, 4, Castle pl, Park st, Nottingham
BRIGHTMAN, ALFRED WORTLEY, Market Deeping, Lincs, Coal Dealer Oct 6 at 11.45 Law Courts, Peterborough
BROOK, HARRY, Dewsbury, York, Plumber Oct 6 at 11 Off Rec, Bank chmbrs, Corporation st, Dewsbury
COOKSLEY, ALBERT EDWARD, Easton, Bristol, Coal Dealer Oct 6 at 11.30 Off Rec, 26, Baldwin st, Bristol
CUTCLIFFE, WILLIAM HENRY, Cowes, I of W, Hairdresser Oct 7 at 12.15 Off Rec, 33A, Holyrood st, Newport, I of W
DUCK, RHODA AMELIA, Weston super Mare, Lodging house Keeper Oct 6 at 12 Off Rec, 26, Baldwin st, Bristol
EDGE, HARRY, Chorley, Lancs, Mill Manager Oct 8 at 3 19, Exchange st, Bolton
GREENSILL, WILLIAM, Handsworth, Grocer Oct 8 at 11.30 Ruskin chmbrs, 191, Corporation st, Birmingham
GRIFFITHS, STEPHEN, West Meon, Southampton, Baker Oct 6 at 3 Off Rec, Midland Bank chmbrs, High st, Southampton
HAMILTON, FREDERICK THOMAS, Southampton, Journalist Oct 6 at 11.30, Off Rec, Midland Bank chmbrs, High st, Southampton
HOPKINS, JAMES, Stockport, Licensed Victualler Oct 7 at 11 Off Rec, Castle chmbrs, 6, Vernon st, Stockport
LEA, HENRY, Little Bolas Farm, Hodnet, Salop, Farmer Oct 6 at 3 Off Rec, King st, Newcastle, Staffs
LEA, THOMAS, Margate, Licensed Victualler Oct 6 at 10 Off Rec, 68A, Castle st, Canterbury
LISTER, JOHN WILLIAM, Accrington, Grocer Oct 6 at 12 County Court House, Blackburn
MARTIN, WILLIAM, Chatham, Commercial Traveller Oct 11 at 11.30 115, High st, Rochester
MILLS, JAMES, Herne Bay, Contractor Oct 6 at 10.15 Off Rec, 68A, Castle st, Canterbury
MOORE, JOHN HENRY, Kirby Cane, Norfolk, Dealer Oct 6 at 1 Off Rec, 8, King st, Norwich
MORRIS, THOMAS, Whitland, Carmarthen, Signalman Oct 7 at 10.30 Off Rec, 4, Queen st, Carmarthen
OLIVER, JAMES WILLIAM, March, Isle of Ely, Cambridge, Hotel Proprietor Oct 6 at 2 White Hart Hotel, March
PHIPPS, WILLIAM, Weston super Mare, Farmer Oct 6 at 11.45 Off Rec, 26, Baldwin st, Bristol
PIKE, PENSTONE AARON, Mitton, Bredon, Worcester, Farmer Oct 7 at 2.15 Swan Hotel, Tewkesbury
ROBINSON, JOSEPH, Mostyn, Flint, Hotel Keeper Oct 6 at 12 Crypt chmbrs, Eastgate row, Chester
SACKS, CHIAT & CUMES, Lloyd's av, South African Merchants Oct 6 at 12 Bankruptcy bldgs, Carey st
SOMERSET, HENRY FITZROY EDWARD, St Ermin's Hotel, Westminster Oct 7 at 12 Bankruptcy bldgs, Carey st
SUTCLIFFE, FREDERICK JOHN, Halifax, Grocer Oct 8 at 10.45 County Court, Prescott st, Halifax
TAYLOR, JOHN, Kingston, Surrey, Engineer Oct 8 at 11.30 132, York rd, Westminster Bridge
THOMAS, JAMES SMITH, Kingsthorpe, Northampton, Dealer's Salesman Oct 6 at 12 Off Rec, The Parade, Northampton
WALLER, WILLIAM HENRY, Rochdale, Director of Public Companies Oct 6 at 11 Off Rec, Byrom st, Manchester
WATKEYS, FREDERICK HARRY, Llanelly, Carmarthen, Colliery Clerk Oct 7 at 11.15 Off Rec, 4, Queen st, Carmarthen
WEST, JOHN, Wilmslow, Cheshire, Bricksetter Oct 6 at 11.30 Off Rec, Byrom st, Manchester
WOOLNOUGH, GEORGE JAMES, Ely, Cambridge, Grocer Oct 6 at 12 Off Rec, 5, Petty Cury, Cambridge

ADJUDICATIONS.

ALLATT, JOHN DOBSON, Brixton, Club Proprietor High Court Pet July 15 Ord Sept 24
AYRES, HENRY, Bewdley, Worcester, Licensed Victualler Kidderminster Pet Sept 24 Ord Sept 24
BRADLEY, ARTHUR EDWARD, Sunningdale Hotel, Windlesham, Surrey, Licensed Victualler Kingston, Surrey Pet Sept 24 Ord Sept 24
BRYANT, THOMAS HENRY, Plymouth, Hotel Manager Plymouth Pet Aug 7 Ord Sept 23
CLEGG, JOSEPH NELSON, Rochdale, Provision Merchant Rochdale Pet Sept 25 Ord Sept 25
CORNTHWAITE, JOHN, Leighton Beck, nr Milnthorpe, Westmorland, Labourer Kendal Pet Sept 22 Ord Sept 22
DAVIS, JAMES, Great Stukeley, Hunts, Wheelwright Peterborough Pet Sept 24 Ord Sept 24
DE CLERMONT, JOHN ARNOLD ROBERT, Lime st High Court Pet May 7 Ord Sept 23
DEWHURST, ALBERT, Doncaster, Carriage Builder Sheffield Pet Sept 24 Ord Sept 24
DUCK, RHODA AMELIA, Weston super Mare, Lodging house Keeper Bridgwater Pet Sept 22 Ord Sept 25
EDGE, HARRY, Chorley, Lancs, Mill Manager Bolton Pet Aug 24 Ord Sept 23
FIELD, GEORGE ARTHUR, Norwich, Licensed Victualler Norwich Pet Sept 25 Ord Sept 25
FLETCHER, THOMAS MYHILL, and GEORGE HUGH CHISHOLM, Llanrwst, Auctioneers Portmadoc Pet Sept 24 Ord Sept 24
GILBERT, FREDERICK WILLIAM, Sheffield, Hardware Merchant Sheffield Pet Sept 24 Ord Sept 24
GILL, THOMAS MOOREY, Middlesbrough, Boot Dealer Middlesbrough Pet Sept 24 Ord Sept 24
HOPKINS, JAMES, Stockport, Licensed Victualler Stockport Pet Sept 9 Ord Sept 24
KING, ARTHUR, Oswestry Stoke upon Trent Pet Sept 24 Ord Sept 24
LAWS, JAMES, Faggs ln, Hatton, Middlesex, Fat Contractor Kingston, Surrey Pet Aug 20 Ord Sept 17
LISTER, JOHN WILLIAM, Accrington, Grocer Blackburn Pet Sept 10 Ord Sept 24
MAPPLEBECK, WILLIAM, Liverpool, Dentist Liverpool Pet Aug 27 Ord Sept 24
MARTIN, WILLIAM, Chatham, Commercial Traveller Rochester Pet Sept 23 Ord Sept 23
MORGAN, TOM, Lozells, Birmingham, Jeweller's Manager Birmingham Pet Sept 23 Ord Sept 24
PARTRIDGE, WALTER, and ARTHUR WEBB, Heath Park, Romford, Builders Chelmsford Pet Aug 24 Ord Sept 23
SCOTT, JOHN, Rotherham, Yorks, Photographer Sheffield Pet Sept 23 Ord Sept 23
SUTCLIFFE, FREDERICK JOHN, Halifax, Grocer Halifax Pet Sept 24 Ord Sept 24
SYKES, GEORGE, Newton, Hyde, Chester, Coal Dealer Ashton under Lyne Pet Sept 25 Ord Sept 25
THOMAS, JAMES SMITH, Kingsthorpe, Northampton, Dealer's Salesman Northampton Pet Sept 23 Ord Sept 23
THOMPSON, JOHN ALEXANDER, Middlesbrough, Greengrocer Middlesbrough Pet Sept 24 Ord Sept 24
TOMLYN, ARTHUR L, Purley, Ironmonger Croydon Pet Aug 24 Ord Sept 24
TRANT, WILLIAM SAMUEL MARTIN, Brixham, Devon, Blacksmith Plymouth Pet Sept 23 Ord Sept 23
WALTON, JOHN WILLOUGHBY, Cheltenham, Coachman Cheltenham Pet Sept 23 Ord Sept 23
WATKEYS, FREDERICK HARRY, Llanelly, Carmarthen, Colliery Clerk Carmarthen Pet Sept 24 Ord Sept 25
WATMOUGH, GEORGE, South Shore, Blackpool Preston Pet Sept 24 Ord Sept 24
WHITEHOUSE, STEPHEN GRAINGER, Wellingborough, Carpenter Northampton Pet Sept 24 Ord Sept 24
WOOD, JOHN DANIEL, Middlesbrough, Journalist Middlesbrough Pet Sept 22 Ord Sept 22

ADJUDICATION ANNULED AND RECEIVING ORDER RESCINDED

TETLEY, ALBERT EDWARD, Penmaenmawr, Carnarvon Bangor Rec Ord Jan 22 Adjud Feb 18 Annul Sept 13